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CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL MEETING

and

PUBLIC COMMENT

Kerr-McGee Center, Ridgecrest, California

June 16, 2001

8:00 A.M.

1 APPEARANCES:

2

3

4 California Desert District Advisory Council Members

5

6 Ilene Anderson,
Renewable Resources

Ron Kemper,
Renewable Resources

7

8 William A. Betterly,
Public-At-Large

Wally Leimgruber,
Elected Official

9

10 Dennis Casebier,
Public-At-Large

Jon McQuiston,
Elected Official

11

12 Sheri Davis,
Public-At-Large

Jim Reddy,
Non-Renewable Resources

13

14 Roy Denner,
Recreation

Randy Rister,
Wildlife

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16 Bob Ellis,
Environmental Protection

Paul Smith,
Public-At-Large

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2 CHAIRPERSON ANDERSON: Good morning. I would
3 like to bring this meeting to -- good morning. Welcome
4 to the BLM District Advisory Council. Thank you all for
5 coming today. I am the Chairperson, Ilene Anderson. I
6 represent Renewable Resources. And I would like to
7 bring this meeting to order.

8 I think we will start with the pledge of
9 allegiance.

10 (The pledge of allegiance was said.)

11 CHAIRPERSON ANDERSON: For those of you that
12 have sat down, make sure that you get a copy of the
13 agenda. I am going to go over that quickly as we start
14 the meeting.

15 From 8:15 to 9:00, we are going to have council
16 member reports. From 9:00 to 9:30, District Manager Tim
17 Salt will give his report.

18 At 9:30, we are going to take public comment on
19 topics that are not on the agenda that we will be
20 covering later in the day. So any public comments that
21 the public would like to make, please do so at that
22 time. That will be a half hour.

23 And then we will take a break from 10:00 to
24 10:15. The field manager reports will last from 10:15
25 to 10:45. At 10:45, we will have an update on the China

1 Lake Land Use Management Plan and Draft EIS.

2 At 11:10, the briefing on the National
3 Landscape Conservation System. And we will follow that
4 with council discussion.

5 Lunch from 12:00 to 1:00. And then we will
6 have an update on the Bio-Regional Plans and any council
7 discussion.

8 At 1:30, we will have a briefing on the
9 California Desert District Off-Highway Vehicle Program.
10 That will cover off-highway vehicle recreation and the
11 California OHV grant program.

12 At 2:30, we will have a report on the "Off Road
13 to Ruin" document. We will have the California
14 Wilderness Coalition perspective as well as an OHV
15 perspective.

16 There will be discussion afterwards, a break
17 from 3:00 to 3:15, and then a discussion on that same
18 issue continues in the afternoon.

19 We will again accept public comment at
20 approximately 4:00, depending on how long our discussion
21 runs, and then a meeting summary. And we should be
22 wrapping up the meeting in the late afternoon, hopefully
23 around 4:45. You know how that goes. Anyway, that's
24 our schedule for today.

25 And with that, I would like to start with the

1 council member reports. And I think we will just start
2 at -- one end of the table. Why don't we start with
3 you, Bill.

4

5 COUNCIL MEMBER REPORTS

6 COUNCIL MEMBER BETTERLY: I have nothing to
7 report.

8 CHAIRPERSON ANDERSON: Okay. Roy?

9 COUNCIL MEMBER DENNER: I have several things
10 to report on. It's going to take a little while.

11 First, I want to read a letter. This is a
12 letter to Mike Pool, state director, Bureau of Land
13 Management. It says, "Dear Mr. Pool, it has come to our
14 attention that the California Desert District is in the
15 process of generating new management plans for the
16 various California desert areas.

17 "We understand that these plans are actually
18 Environmental Impact Statements that deal in depth with
19 implementation of the National Environmental Policy Act.
20 Although we are in favor of constructive measures to
21 protect endangered species, we believe, as do many of
22 our constituents, that these management plans being
23 prepared by your California Desert District office may
24 not be adequately analyzing the impact to the full range
25 of the bureau's mandates.

1 "We understand that no measures are included in
2 any of these plans to protect recreation opportunities.
3 We are particularly concerned that recreation
4 opportunities, specifically motorized recreation
5 opportunities, are being reduced significantly within
6 the California Desert District.

7 "It is our understanding that you have publicly
8 announced your desire to provide a", quote, "balanced,"
9 unquote, "approach to managing public lands under your
10 jurisdiction, which includes the California Desert
11 District.

12 "We commend you for your support and promotion
13 of recreation opportunities on BLM lands while
14 protecting the environment. It does not appear that the
15 management plans being developed in your Desert District
16 office reflect those public statements.

17 "We have been told by some of our constituents
18 that they have written to you regarding this matter and
19 have received no response. We hope you will be able to
20 respond to these important concerns."

21 This letter is signed by 53 California
22 legislators, senators, and assemblymen. And I have
23 copies for everybody here, and at the break, I will put
24 the remaining copies I have on the table in the back, so
25 anybody that wants a copy can have one.

1 Yes.

2 AUDIENCE: Make sure I get one.

3 COUNCIL MEMBER DENNER: I have got plenty of
4 them right here.

5 The next item I have has to do with the NECO
6 plan. I have here a letter from an attorney by the name
7 of Mr. David Hubbard, who works for a firm in San Diego
8 by the name of Procopio, Cory, Hargreaves and Savitch.
9 This firm has significant expertise in environmental
10 law.

11 Several organizations teamed together to hire
12 Mr. Hubbard to take a look at the NECO plan and give us
13 his comments. Today, I am -- I have a copy of his
14 letter with his comments. It's about 28 pages.

15 The first four pages generally attack the plan
16 and point out many discrepancies relative to the
17 requirements of laws like the Endangered Species Act,
18 NEPA, FLPMA, and those sorts of things.

19 And then the next 28 pages on so go item by
20 item, showing specific examples of where the plan does
21 not abide by legal requirements, and asking for a
22 response from the Desert District on that plan. I have
23 copies again for all the council members. And the
24 remaining copies that I have I will be putting on the
25 table in the back at the break time.

1 COUNCIL MEMBER KEMPER: Is it Roy's intent to
2 enter the documents for the record?

3 COUNCIL MEMBER DENNER: I guess we do have to
4 state that, don't we? It's my intent that all of these
5 be entered into the official record of this meeting.

6 The next thing I have has to do with this
7 council's actions on a document entitled the "National
8 OHV Management Strategy." I know there is some
9 misunderstanding by some of the new council members
10 relative to the action taken place by this council
11 regarding that document.

12 And, for the record, I want to make sure that
13 everyone understands how that document came through the
14 council, how it was processed, what the council's
15 actions were. So I am going to go back and review the
16 history of how we treated that document.

17 Starting with the October DAC meeting in
18 Barstow -- that's where the document was officially put
19 on the agenda. Actually, that was the second time. It
20 was also on the agenda here in Ridgecrest a year or so
21 ago where we discussed it.

22 At that time, it was introduced to the council.
23 And cards were passed out. The document had not yet
24 been generated. And cards were passed out by the BLM
25 asking us what -- to fill them out saying what we would

1 like to see in a national OHV management strategy. I
2 know many people filled those cards out, sent them to
3 Washington.

4 At that meeting, there was some discussion
5 about extending the time to submit these cards. And we
6 passed a motion to extend it by 30 days, I believe.

7 Then at the Barstow meeting, it was getting
8 closer to the time that the document was going to be
9 released. It had not yet been released when we had our
10 October meeting. But we did discuss the fact that the
11 document was coming very soon. And we generally
12 reviewed what the -- what was going to be contained in
13 that document and what the agenda for the release of the
14 document was.

15 I made a motion -- what I have here in front of
16 me -- we had a court reporter at that session who took
17 an official transcript of the meeting. I have here in
18 front of me a printout of the entire transcript, just so
19 that we can make sure the record is straight and clear.

20 And the first action relative to this document
21 is described on page 33, lines 18 through 25, and page
22 34, lines 1 through 9, where I made a motion that the
23 review period for this document, the plan -- the plan
24 for the review period for this national strategy was
25 going to be 30 days.

1 And I suggested that for something so important
2 as a national strategy, 30 days wasn't nearly enough.
3 And I made a motion that the review period be extended
4 to 120 days. The council took a vote on that; and it
5 passed unanimously to extend it to 120 days.

6 Then I made a second motion. I made a motion
7 that the document include a method of mitigating impacts
8 on OHV recreation, just like it mitigates impacts on the
9 environment.

10 Considerable discussion took place. And this
11 is on -- in document pages 34, 36 to 39, and page 40,
12 that describes this -- for those of you who have a copy
13 of the transcript -- this describes this entire
14 discussion. And a vote was taken on the motion. The
15 result of the vote was 5 to 5. That's not included in
16 the transcript. It just says that the motion failed.

17 Part of the discussion involved two of the
18 council members discussing the idea that this mitigation
19 for OHV recreation really didn't help their cause. For
20 example, recreational miners weren't being compensated
21 for impacts and, also, rock hounds, in particular,
22 weren't being -- didn't have any mitigation.

23 The meeting then went on where considerable
24 public testimony was taken. I mean, hundreds of people
25 spoke at that meeting. It's all in here. At the end of

1 that public testimony, I asked to make another motion.
2 And in that motion, I modified my original one, and I
3 said that I made a motion that mitigation be provided
4 for impacts on any form of recreation.

5 That motion passed 7 to 2. The results of that
6 motion -- it doesn't even state in these -- in this
7 transcript whether the motion passed or failed. It
8 doesn't address it at all, let alone give the count of
9 the vote.

10 You know, I think it's very important when we
11 have a vote count on an issue that it be included in the
12 minutes. I mean, that's what it's all about. That's
13 the climax of the subject, you know, the vote. If we
14 don't have a count or tell whether it even passed, you
15 know, it leaves a large hole in a credibility of a
16 document that's supposed to be an official transcript,
17 in my opinion.

18 There was discussion about whether or not the
19 BLM reacted to the council's vote at that meeting. It
20 is quite clear that there was no reaction from the --
21 from the BLM in any respect to the council's input at
22 all.

23 In order to make sure that the person who was
24 responsible for that document in Washington knew what
25 the vote of the council was, I personally wrote to that

1 person as a council member and explained what had
2 happened at that meeting and what the ultimate vote was.

3 I never heard anything back. As far as I know,
4 none of the council members heard anything back. And,
5 by the way, we had three letters from U.S. Congressmen
6 included in the minutes here asking for those same two
7 vote measures.

8 The document was released early December. A
9 30-day window for review of that document was allowed
10 through the Christmas and New Year's holidays. The
11 document was implemented on -- the strategy was
12 implemented on January 19th, three days before our new
13 president was inaugurated.

14 Now, I guess I -- I have a question for
15 Mr. Salt. Have I misstated any of the facts of this
16 matter?

17 DISTRICT MANAGER SALT: Not to my knowledge.

18 COUNCIL MEMBER DENNER: Not to your knowledge?
19 You don't know what the vote was that was taken there?

20 DISTRICT MANAGER SALT: As you will recall, I
21 was not at the meeting.

22 COUNCIL MEMBER DENNER: And you haven't read
23 the transcripts?

24 DISTRICT MANAGER SALT: No, I haven't.

25 AUDIENCE: We cannot hear Mr. Salt.

1 DISTRICT MANAGER SALT: If what you said is
2 correct, if I would have read the transcripts, I
3 wouldn't have known what the vote was, either.

4 COUNCIL MEMBER DENNER: Okay. If that's where
5 it is, I think the council needs something in writing
6 from you to either refute what I just said or to confirm
7 it. I mean, this is an important issue. We took a
8 vote.

9 And I think it needs to be perfectly clear that
10 the council's input to the Bureau of Land Management was
11 totally ignored. We did not even get a letter from
12 anybody in the Bureau of Land Management regarding that
13 vote or that issue. And I think that needs to be
14 documented.

15 So I would like to officially request that you
16 give us something in writing either refuting what I just
17 said or confirming it.

18 DISTRICT MANAGER SALT: Okay. I think one
19 thing we need to make clear and that is, you know, this
20 is a situation that we deal with when it comes to public
21 comment or comment of council or anything on any matter.
22 The fact that the bureau did not strictly adhere to the
23 request of council does not mean that council's wishes
24 were not considered.

25 And I think that that applies to individuals

1 commenting on a management plan or whatever else. I
2 think a lot of people feel as if -- you know, if what
3 they ask to be changed wasn't changed, that meant their
4 comments weren't considered.

5 And I think it's -- you know, there were a lot
6 of comments submitted on the OHV strategy. And, you
7 know, my, you know -- the council -- I think that the
8 essence of what the council asked for was provided. The
9 council asked for an extension of the comment period at
10 the beginning before the document was released. It was
11 extended.

12 The council asked for a period of time to
13 comment on the draft when it was released. There was a
14 period of time to comment on the draft when it was
15 released. It wasn't as long as what the council asked
16 for. But there was a period of time provided for, which
17 had not been originally envisioned when the programs
18 first were introduced in June.

19 COUNCIL MEMBER DENNER: I guess I am dealing
20 with a different document than you are. You know, right
21 from the get go, when they told us about this document
22 and the fact that it was "to soon be released," they
23 said there would be a 30-day comment period on the
24 draft.

25 DISTRICT MANAGER SALT: And when the program

1 was first launched, there was not an occasion to have a
2 comment period on the draft. And I --

3 COUNCIL MEMBER DENNER: Isn't it required by
4 law when the BLM releases a national strategy, that the
5 public be allowed to comment on it before it's
6 finalized?

7 DISTRICT MANAGER SALT: No.

8 COUNCIL MEMBER DENNER: So what you are saying
9 is that the BLM's plans originally were to release this
10 document without even giving us a chance to comment on
11 the draft? So that the fact that we got 30 days was
12 something that was not originally planned, so you
13 consider that to be an extension of the period?

14 DISTRICT MANAGER SALT: The way the program was
15 set up, there was a series of listening meetings and a
16 period for the public to give input, as you suggested,
17 to talk about what you wanted to see, what the public
18 wanted to see, in an OHV management strategy.

19 At the request of council and others, the
20 period provided for that was extended. The original
21 intention was then, based on that information, to
22 develop a strategy and release that strategy and perform
23 that strategy.

24 There were a lot of people who had the same
25 questions that this council had relative to whether or

1 not a -- you know, there should be an opportunity for
2 public comment on the draft. Honestly, I was one of
3 them. I thought there should have been an opportunity
4 to comment on the draft.

5 That's what ultimately happened. Based on the
6 input from this council and others, the bureau decided
7 to provide an opportunity to comment on the draft. And
8 that period was provided. A 30-day comment period was
9 provided on the draft.

10 COUNCIL MEMBER DENNER: Well, I will close. I
11 know we have a busy agenda. But I will close with this
12 statement. You know, I -- I find it hard to believe
13 that a national strategy would be released by the BLM
14 without public review of the document.

15 Secondly, even if that is legal, and even if
16 that was a possibility, the members of this council were
17 appointed by the Secretary of the Interior. When this
18 council makes a vote on a particular subject as
19 important to many members of our community as that
20 document was, I would think that the BLM would at least
21 have the respect to respond to the council, if nothing
22 else, saying, we have taken your comments into
23 consideration, and we do not wish to act on them.

24 Something should have come back to the council
25 from the BLM. Otherwise, what are we, just figureheads

1 up here?

2 COUNCIL MEMBER KEMPER: Madam Chair, in regards
3 to the mechanics, I have a couple of questions -- not as
4 much about the document itself. But I think it's
5 extremely important that when we take minutes of a
6 meeting, that they be correct.

7 And if there is a vote taken, that it be
8 reflected in the minutes. What -- and I am a fairly new
9 member of the board. So excuse my ignorance. But what
10 is the procedure for reviewing the minutes or the
11 transcript and correcting any in-discrepancies, if there
12 are any?

13 DISTRICT MANAGER SALT: Her or me?

14 COUNCIL MEMBER KEMPER: I will ask you, Tim.

15 DISTRICT MANAGER SALT: Normally, we don't have
16 court reporter transcripts at a meeting. Because we did
17 anticipate a large number of comments at that meeting,
18 we did have a court reporter. Normally, we do minutes
19 internally. And those minutes are distributed to
20 council members for their review and comment before they
21 are finalized.

22 I guess in the case of the court reporter, we
23 assumed that everything that transpired would have been
24 captured. And, apparently, it wasn't.

25 COUNCIL MEMBER KEMPER: So in answer to my

1 questions -- I am not sure that you have answered it
2 completely -- we will get a copy of the minutes, and we
3 will have a period of two weeks, 30 days, to look over
4 those minutes and bring in-discrepancies to light? And
5 we would do that by not waiting for the next meeting?
6 We would do that how?

7 DISTRICT MANAGER SALT: You would do that by
8 responding back to Doran before the minutes were
9 finalized.

10 COUNCIL MEMBER KEMPER: Of course, these
11 minutes weren't taken by Doran. They were taken by a
12 court reporter.

13 DISTRICT MANAGER SALT: And I guess the other
14 question in my mind would be: Do you want to review
15 that six-inch document, or do you want to review the
16 condensed version that Doran has?

17 You know, I guess you are certainly welcome to
18 review the transcript, although those are usually not
19 as -- I mean, those usually take some time to produce.

20 COUNCIL MEMBER KEMPER: I understand. I am
21 just trying to find out: In order to keep the record
22 correct, what you would like to see us do
23 procedurally -- I wasn't at that meeting. I wasn't a
24 member. But if the minutes are incorrect, shouldn't
25 they be amended?

1 CHAIRPERSON ANDERSON: I would agree with that.
2 I haven't reviewed the transcript from that meeting,
3 simply because I was daunted by the size of it. But I
4 commend you for doing that, Roy. And I think it is
5 outrageous that the court reporter didn't capture the
6 essence of what went on at that meeting in regards to
7 the vote. And I think that that's something that the
8 BLM should definitely call the court reporter on the
9 carpet about.

10 And with regards to our other meeting minutes,
11 those are available. I know Doran sent them out in May
12 from the last meeting for our review and, hopefully,
13 sort of looked at those, reviewed those, and submitted
14 comments to him.

15 And they -- I have not signed those minutes,
16 because I was late in submitting my revisions to those
17 to Doran. So those -- for the last meeting, I suspect,
18 if you haven't had a chance to look them over, would
19 still -- there would still be an opportunity to do that.

20 COUNCIL MEMBER KEMPER: I haven't received
21 them.

22 DORAN SANCHEZ: They were all E-mailed to
23 everybody. I have got comment from about half the
24 council. I E-mailed everybody the week before last.

25 COUNCIL MEMBER KEMPER: Would you send them

1 again? Because I -- I get a lot of stuff from them.
2 But I haven't seen them.

3 CHAIRPERSON ANDERSON: If you can provide any
4 comments to him, we can get those finalized.

5 COUNCIL MEMBER KEMPER: Great.

6 COUNCIL MEMBER ELLIS: Yes. This seems to be a
7 problem that's been expressed for, you know, several
8 months now. And I -- and I think that we are hoping to
9 solve that by having an item on the agenda called
10 "Meeting Summary."

11 And maybe you could explain the purpose of
12 that. As I understand it, it's going to be an
13 opportunity at the end of the meeting for us to review
14 the votes taken and the motions made, so that all the
15 council people have an opportunity to kind of understand
16 and reflect on what we did today, so these major
17 discrepancies and misunderstandings are averted right up
18 front. Is that the case?

19 DISTRICT MANAGER SALT: That was my proposal
20 that I intended to raise during the district manager's
21 moment, you know, to -- as we go through the meeting, to
22 keep track of the commitments we made -- either staff
23 makes to the council or council makes to the staff, and
24 any decisions that are reached through the resolution or
25 whatever, to summarize those at the end of the meeting

1 so we all go away with the same understanding of what
2 happened at the meeting.

3 COUNCIL MEMBER KEMPER: Getting back to Roy's
4 problem and the original question: How do we amend the
5 minutes that have already been provided if they are
6 incorrect? I don't know -- I wasn't there.

7 DISTRICT MANAGER SALT: I wasn't there. And,
8 unfortunately, because of all the other activities that
9 were going on that day, Doran was in and out of the
10 room. You know, if the court reporter didn't record it,
11 you know, I don't know how we can, you know, amend the
12 minutes to everyone's satisfaction.

13 COUNCIL MEMBER SMITH: If I may, I am Paul
14 Smith. But I am a representative of the
15 public-at-large. But I am also an attorney, and I have
16 dealt many times with transcripts.

17 And probably the only way to deal with what you
18 believe is an incorrect transcript is to lodge with the
19 transcript as part of the record any comments or
20 observations where you think it might be inaccurate.

21 Because the transcript itself is a form of
22 testimony by the court reporter as to what -- what went
23 on and what was said during that. And you really have
24 no effective way to correct that other than by
25 supplemental comments.

1 COUNCIL MEMBER DENNER: I think when Mr. Salt
2 either confirms or denies my record of what happened at
3 that meeting, that document should go as an amendment to
4 the transcript then? That's what you are saying, right?

5 COUNCIL MEMBER SMITH: It's a supplement to it.
6 You cannot really amend the transcript. You have to
7 file a lawsuit. And that would lead nowhere.

8 COUNCIL MEMBER DENNER: That's a possibility.

9 COUNCIL MEMBER KEMPER: I don't know how Tim
10 could respond, since he wasn't there.

11 CHAIRPERSON ANDERSON: That's my feeling, too.
12 And as the chairperson, I would be glad to incorporate
13 what -- I was at that meeting. And I remember those
14 votes. And my recollection is the same as what you have
15 stated. And I would be happy to draft a -- what did you
16 call it, Paul, a letter stating such?

17 COUNCIL MEMBER DENNER: The problem with that,
18 Ilene, we still wind up with no confirmation from the
19 BLM as to specifically what happened. You know, it
20 seems -- if Tim is not the person, then Molly needs to
21 do it. She presided at that meeting.

22 But I am looking for something from -- they
23 keep chasing around in circles. I have written four or
24 five letters to Mike Pool over this matter. And he
25 keeps going off on some tangential kind of a feel-good

1 thing without responding directly to my request to have
2 that problem taken care of.

3 And as far as I am concerned, until we have
4 something from the BLM, not from the council -- because
5 the BLM apparently ignores what the council does. I
6 want something from the BLM that says, yes, that's what
7 happened, and that's what the vote was.

8 So maybe Molly needs to do it.

9 COUNCIL MEMBER CASEBIER: I am Dennis Casebier.
10 And I would like to add, I think you are right, Roy. I
11 think you do deserve something from BLM. I would just
12 like to add into the record that I was at that meeting,
13 and I heard it the way you have related it, the way Roy
14 Denner has related it, also.

15 COUNCIL MEMBER DENNER: You seconded the
16 motion.

17 COUNCIL MEMBER CASEBIER: That's why I
18 remember.

19 COUNCIL MEMBER DENNER: That's in here.

20 DISTRICT MANAGER SALT: I guess what I can
21 commit to doing is putting together a letter with the
22 input from the various BLM staff that would try to
23 reconstruct what happened at the meeting and then what
24 happened with the products of that up the chain.

25 CHAIRPERSON ANDERSON: Okay. Thank you for

1 your comments. John?

2 COUNCIL MEMBER MC QUISTON: I will be brief.
3 Welcome to Kern County. Welcome to the city of
4 Ridgecrest, which happens to be my home. And I am very
5 happy you could be here today.

6 I do have one brief comment relative to the
7 discussion. I wasn't at the meeting. But just as a
8 general -- just as a general preface, whether it's Doran
9 or whatever, any votes taken must be recorded in some
10 format.

11 Secondly, I understand the nature of this group
12 as being advisory. We are not policy makers. But when
13 we do make a recommendation, I think that it should
14 receive some sort of written response, just so the
15 record is complete.

16 I do -- I have one comment relative to the
17 minutes, Doran, from the last meeting. There was some
18 discussion regarding whether it would be appropriate for
19 the council to write a letter to BLM, the national
20 level, recommending that farmers and ranchers be allowed
21 to participate or help in the burro -- I didn't see that
22 as an action item or a commitment for follow-up.

23 And I am not sure who would generate that,
24 whether it would be the chair of this board or whether
25 it would be perhaps you, Tim. But I didn't see any

1 action in the minutes. And I don't want to lose that
2 thought. If we can follow up on that. Thank you again.

3 COUNCIL MEMBER SMITH: Okay. Paul Smith again.
4 I am a representative of the public-at-large. And I
5 would just like to commend the Ridgecrest office for its
6 recreation opportunity guides, which are made available
7 to the public, explaining and describing a great many of
8 the opportunities that the public has for enjoying this
9 area of the desert. I think it's terrific.

10 And I would also like to commend them for
11 working very closely and in many respects under the
12 leadership of the off-road vehicle folks in establishing
13 the Jawbone Canyon Visitors Center. And I hope that
14 these are elevated to prominence on the web. Because I
15 think there are some really excellent materials for the
16 public.

17 I have just asked the chair whether this is an
18 appropriate time to make an agenda request for the next
19 meeting, or whether you want to do that later?

20 CHAIRPERSON ANDERSON: That is -- since I
21 skipped over that, yes, now would be a fine time.

22 COUNCIL MEMBER SMITH: I would like to request
23 that the next meeting contain as an agenda item a
24 discussion of the relationship with the County of San
25 Bernardino, both the Board of Supervisors and the

1 sheriff, Sheriff Penrod; so that this council will have
2 a sense of what it is that the county is specifically
3 objecting to in terms of activities and actions by the
4 BLM and a description by the BLM.

5 I understand that Tim Salt is going to briefly
6 comment on it today. And maybe at the next meeting, we
7 are going to have something more in depth. And that
8 would be my request.

9 CHAIRPERSON ANDERSON: Thank you.

10 COUNCIL MEMBER RISTER: I am Randy Rister. I
11 represent the wildlife issues. I have a couple of brief
12 items I would like to bring before the DAC council. We
13 have recently started our annual sheep survey in the
14 South Chocolate Mountains using helicopter survey
15 techniques. That will be conducted over about a
16 two-week period in the South Chocolate Mountain herd and
17 the Orocopia herd.

18 We are also continuing to monitor our telemetry
19 deer study on the mule deer population along Ogleby
20 Road. This is in the proximity of the Glamis Imperial
21 Mine and the Glamis Camping Area. As you will recall, I
22 reported at the last meeting that the BLM did permit
23 three water sources that were installed early this year
24 along the Ogleby Road area to mitigate and provide vital
25 water needs to the desert wildlife population in that

1 area.

2 And as a third item, I would like to report on
3 the status of the New River Wetlands. We received our
4 first quarterly monitoring report. And the first
5 wetlands to handle the clean-up of ag. drain water going
6 into the Salton Sea had a 97 percent cleanup on the --
7 from the inflow to the outflow of that particular water.

8 And as you recall, we also had another wetlands
9 that we built to handle the municipal sewage pollution
10 coming out of Mexicali and eventually ends up in the
11 Salton Sea. And that wetlands in the first quarter had
12 a 99 percent cleanup.

13 So -- we were expecting about a 60 to 70
14 percent. And we are pleased that the clean-up
15 capabilities are of that high caliber.

16 Also, last week we installed the first aeration
17 damn in the New River at Calexico to try to increase the
18 oxygen back into the New River get the BOD levels back
19 up.

20 So those particular issues are going to benefit
21 the wildlife in and around the Alamo and New Rivers and
22 into the Salton Sea, as well as the other efforts we are
23 doing on the desert wildlife issues.

24 CHAIRPERSON ANDERSON: I am Ilene Anderson. I
25 represent Renewable Resources on the council. And my

1 affiliation is with the California Native Plant Society.
2 And although I have been very busy with work during the
3 time between the last meeting, I did have an interesting
4 experience as going -- I was asked to participate in a
5 group of environmentalists organized by the Endangered
6 Species Coalition, where we were invited to Fort Irwin
7 to review the areas that they are going to potentially
8 expand into.

9 And my concern of course was the federally
10 listed endangered Lane Mountain milk vetch. Prior to
11 the Army going in and doing surveys this year, about 900
12 plants were known on the planet. And 850 of those were
13 within the proposed expansion area.

14 The Army has hired a bunch of botanists to go
15 out and look for additional populations of the plant.
16 And they found over 4,000 of them. So I think that's a
17 good thing. They won't tell me how many are in the
18 expansion as versus outside. But I still say, the more
19 the better.

20 And then lastly, as the chair, I would like to
21 just address my fellow council members and say that I
22 see our role here as trying to help the BLM solve some
23 of their problems. And I think we can all agree that
24 there are a variety of issues out there. And I feel
25 honored to have been selected to try to advise them

1 on -- from my perspective on how to solve some of those
2 problems.

3 And I hope that we continue to cooperate in the
4 spirit to do the best recommendations to the BLM.

5 COUNCIL MEMBER REDDY: I am Jim Reddy. I
6 represent the opposite, Non-Renewable Resources. And
7 first, on Roy's -- the non-vote that wasn't recorded, I
8 also remember that very well. Because, as you recall, I
9 was one of the two votes that switched positions. And I
10 remember it exactly the way you described it, also.

11 I would like to make a couple comments on the
12 mining industry and what's happened recently. We had
13 our annual California Mining Association meeting a
14 couple weeks ago. And the mining industry, sometimes
15 particularly in the environmental community, has one
16 kind of a reputation.

17 But as an association, we give out three
18 rewards or three awards in only three categories at our
19 annual meeting: One is Excellence in Reclamation, one
20 is Excellence in Community Service, and one is
21 Excellence in Safety.

22 So we don't give out awards for good mining or
23 a lot of tons or something. We give out things that are
24 more related to the environment and safety.

25 And since some of them -- the operations --

1 several of the operations are included in the BLM desert
2 area, I would like to mention names of the companies
3 that won the awards.

4 For Excellence in Reclamation, it's Calaveras
5 Cement and Lassen Gold Mining. For Excellence in
6 Community Service, it was Glamis Rand Mining and Vulcan
7 Materials. And for Excellence in Safety, it was OMYA,
8 which is the company I am with, Teichert Aggregates, TXI
9 Riverside, U.S. Borax, and Vulcan Minerals.

10 One other comment I would like to make is, I
11 would like to recommend all the council members read
12 something from the Sacramento Bee. Make a couple
13 comments in the Mining Association Meeting and Notes.

14 To celebrate the 31st anniversary of Earth Day,
15 the Sacramento Bee ran a five-part series examining the
16 environmental movement written by a Pulitzer prize
17 winner Tom Knutsen. The series was based on 16 months
18 of exhaustive research, and he traveled to twelve states
19 and northern Mexico.

20 An issue that's kind of close to what's
21 happening around here -- we discussed yesterday a bit --
22 part of this report is species litigation, a specialty
23 niche, which has four law firms filing more than half of
24 the species lawsuits from 1959 to 2000, swamping the
25 Fish and Wildlife Service. From 1994 to 1999, the

1 Center for Biological Diversity filed 58 suits, or one
2 every 32 days.

3 The conclusion in the Mining Association Notes
4 on this thing is the good -- there is some good news.
5 The good news is, the series ends with a report that
6 there is a brand new -- a new brand of stewardship
7 emerging within the environmental community, one that
8 focuses on hope not hype, and that recognizes that free
9 enterprise is a great motivator.

10 There is a realization from some
11 environmentalists that their relationship with industry
12 does not have to be adversarial. This is not news to
13 the mining industry, who has practiced this kind of
14 stewardship for a long time. It will be nice when the
15 environmentalists join us.

16 Again, I would like to recommend that the
17 people on the council read this, the entire Sacramento
18 Bee series called "Environmental, Inc.", which can be
19 found on the Worldwide Web, dot Sac Bee, S-a-c-B-e-e,
20 dot.com, forward slash News forward slash Project
21 forward slash Environment. That's it.

22 COUNCIL MEMBER KEMPER: Good morning. I am Ron
23 Kemper. I represent Renewable Resources and livestock
24 producers. I am very proud to represent the livestock
25 producers. They have been stewards of public lands

1 before BLM was ever initiated. What we have today is
2 largely due to them and their stewardship.

3 I am not going to go into a whole lot of
4 details today. Unfortunately, the majority of the
5 livestock producers and BLM are involved in ongoing
6 litigation and processes, so -- which is very
7 unfortunate.

8 COUNCIL MEMBER LEIMGRUBER: Can everybody hear
9 okay back there? We are glad the mics carry.

10 First of all, I would like to thank each one of
11 you for attending. This is a public meeting. And your
12 public input is very much appreciated. This council,
13 again, would work with our BLM offices.

14 I would like to thank Hector here at the
15 Ridgecrest office for a very informative tour that he
16 has provided here yesterday. This learning has always
17 been official. And we -- each one of us will take
18 portions of this and use it in our respective areas.

19 My name is Wally Leimgruber. I am a District 5
20 County Supervisor in Imperial County. We are going
21 through redistricting. And it looks like District 5 is
22 going to entail the entire eastern portion of Imperial
23 County.

24 It will be a large district. And it will
25 entail all of the Algodones Sand Dunes. As you know,

1 some of that closure has impacted our area. And I am
2 here to report that our county has taken a very
3 proactive approach.

4 We are providing our local sheriff with the
5 necessary equipment, the necessary personnel, to patrol
6 this area. Obviously, when you lose an area, you
7 compact an area. And we have individuals who visit our
8 area from the southeast United States. We have even had
9 people as -- there are just numerous areas which people
10 come into to enjoy and to recreate in this particular
11 area.

12 We want the recreational visitors -- and that
13 includes from hunting to bird watching to rock hounding
14 to camping to off-road vehicle use individuals -- to
15 feel safe in our area.

16 One of the problems that we as a county face,
17 because of the large geographical area -- we want to
18 have a support group of officers there. Well, these
19 officers are also committed to patrol other areas of our
20 county. So we are continuing to seek federal and state
21 funding to fund these dedicated positions for safety
22 enforcement in these regions.

23 Because there is some closed areas, a lot of
24 recreational individuals will travel. Their groups
25 would caravan, and -- with the shifting of the winds,

1 these locations may not be -- to be identified. And
2 these officers can assist in stating this portion is
3 closed; continue to recreate in this area that is indeed
4 open.

5 Again, I just want to thank our local BLM
6 office. Working with the County Board, information that
7 we share among one another is very, very good. And we
8 want to use our resources, be good stewards of our
9 lands, and continue with multiple-use interests in all
10 of our public lands here in the state of California.
11 Thank you.

12 COUNCIL MEMBER DAVIS: My name is Sheri Davis.
13 And I actually am a representative of the
14 public-at-large. But my main focus is the industry, the
15 film industry. And so I would like to thank everybody
16 for being here. I love it when the OHV community and
17 all of the multiple users come out to a meeting.

18 Because I just came back from the National
19 Lands Conference. And I was one of very few non-BLM
20 people there. And so it was a great learning
21 opportunity for me to hear the posture and the
22 positioning of realty specialists and field managers and
23 state directors as to their position towards the
24 multiple use of the desert, the fact that they are
25 stewards of the land, they are not the regulators.

1 And they don't want to be perceived of as the
2 regulators or enforcers, but rather the stewards of the
3 land and partners with industry and the multiple users
4 to preserve the land, but to have everybody be able to
5 enjoy it.

6 At this National Lands Conference, it didn't
7 address all of the issues I thought it would address.
8 It addressed all the fiber optic and the deregulation
9 and the California Experience. It was a tremendously --
10 a tremendous growth curve for me.

11 But what I did come away with was the fact that
12 the bureau all across the nation -- and, particularly, I
13 was pleased to hear the California posture and position
14 of being customer friendly and of providing good
15 service, and that this is a goal that was echoed across
16 the entire conference.

17 And so I want to commend -- first of all, I had
18 the experience of finding out no sooner than I returned
19 from the Lands Conference to have the Barstow field
20 office reroute a lot of work that they had planned on
21 the Dumont Dunes access road and move it to the El
22 Mirage Dry Lake, so they could accommodate a permit that
23 they had issued for filming on the Dumont Dunes.

24 And I really want to thank them for that.
25 Because I had a crew rolling in; and they wouldn't have

1 had a road to roll in on. So thank you very much.

2 But I also want to point out the fact that
3 Hector has made a great example of how the film industry
4 is a great partner with the Bureau of Land Management.
5 They came into the Trona Pinnacles. They filmed a
6 feature, "Planet of the Apes." So you will see -- on a
7 lot of the trailers, you will see all of the images of
8 Trona.

9 Had you asked me personally, when the location
10 managers talked to me, would they allow such an
11 extensive and expansive project on Trona, I said no. So
12 I want to thank Hector for doing that. Because he has
13 proven that a large production with a thousand people on
14 the federal lands can come in, clean up, and leave it in
15 better condition than when they found it.

16 So my comment to the OHV community is -- I work
17 on the El Mirage Dry Lake Steering Committee. So I have
18 an opportunity to hear all of the concerns of the
19 multiple users on that dry lake. And the OHV community
20 as a whole tries very hard to protect the lands.

21 At this Lands Conference, I heard numerous
22 comments about how the wilderness areas are being
23 trashed by the backpackers; because they go in, but they
24 don't pack it back out. I would like to encourage any
25 groups that have any influence over backpackers or

1 anyone using the wilderness areas to please notify those
2 people as to the OHV communities and their cleaning and
3 their training of their own membership to, you know, to
4 please encourage your people to help keep the wilderness
5 areas as clean as it was when the OHV community was
6 using it and, you know, carrying out the trash. Thank
7 you.

8 COUNCIL MEMBER ELLIS: My name is Bob Ellis.
9 And I represent Environmental Protection. And I am glad
10 I am down at this end of the table. Because I guess a
11 good deal of what I say seems to be generated along the
12 way as other reports are presented to you.

13 I am proud to represent Environmental
14 Protection, and I am proud to represent environmental
15 groups on this council. The BLM has a big job in
16 protecting the desert environment. And I think it's
17 appropriately all our groups' roles to get in there and
18 struggle to hopefully get them to get the best outcome.

19 Let's see. I was making a list of notes as I
20 went along. I think it is important for people to read
21 the Sacramento Bee series on environmental groups. It
22 listed quite a number of problems that mostly national
23 environmental groups seem to be having with raising
24 money by mail order things and using what some people
25 might think of are scare tactics to get people to

1 contribute money.

2 On the other hand, a lot of those groups do
3 lobby in Washington. And they accomplish, you know,
4 probably some good. So I think everyone should read
5 that article, and they should take it to heart. I think
6 some environmental groups are focused on having people
7 on the ground, getting out onto the wilderness areas,
8 the non-wilderness areas, and seeing what's there and
9 reporting back, and really participating on the ground.
10 And those are groups I think we all want to maybe put a
11 little more priority on and support.

12 So, anyway, read the article. It is
13 interesting. Let's see.

14 I wanted to thank the BLM for doing the tour
15 yesterday. We got to see a lot of ground. We got to
16 see what Hector called, as we were coming back
17 yesterday, the good, the bad, and the ugly. The ugly,
18 which is an open area, is visually ugly; but I very much
19 agree that some areas like that need to be available for
20 that kind of recreation.

21 What I am concerned about is to continue the
22 process that has been recently accelerated to designate
23 routes throughout the desert. This was identified in
24 the 1980 California Desert Plan. The BLM is finally
25 beginning to make some moves on that. I think it's a

1 very good thing. And I want that process to be
2 supported.

3 As an environmentalist, I want it to be a
4 process that creates the strongest environmental
5 protection as possible. But everyone else's opinion, of
6 course, is going to be put in there. And that's what we
7 are all here for, is to work out that process.

8 I wanted to mention the -- another thing that
9 was brought up. And that is the Center for
10 Biodiversity's lawsuit and how that is playing out
11 across the desert right now.

12 The BLM committed to a whole long list of
13 stipulations, some of which had to do with grazing
14 modifications, some of which had to do with off-road
15 vehicle, let's say -- I don't want to use the word
16 "closures," but I would say it's an acceleration in the
17 limited route designation process. I am sure we are
18 going to hear the word "closure" a lot today as we go
19 along.

20 I think that process has to get going. I am
21 happy the BLM is on it. And let's go forward. I do
22 want to mention, also, about the Center for Biological
23 Diversity and the fact that they are filing a tremendous
24 number of lawsuits against the BLM, against lots of
25 different land management agencies.

1 And I think that is very unfortunate. And the
2 reason I think it's unfortunate is because what has
3 happened is that over the last twenty years, the federal
4 government for all, whatever reasons they have, have
5 failed to fund the U.S. Fish and Wildlife Service to the
6 extent that they can get out there ahead of time and do
7 some discovery and some implementation of things to
8 really look at what these species are doing and get out
9 there and start to protect them.

10 And we are all running around behind arguing
11 with each other after the fact on these things. So my
12 solution to the biodiversity question is for all of us
13 to get behind the BLM and the Fish and Wildlife Service
14 when budget time comes around and say, yes, it's very
15 important to us, all of us, whether we are off-road
16 vehicle or any kind of people interested in
17 environmental issues and in the desert -- is to fund
18 that agency.

19 For twenty years, it's been totally
20 under-funded. Everybody has to push them and yell and
21 scream. And they can't get their job done. And we are
22 feeling those impacts. And it causes a very disruptive
23 and -- process at the end of that.

24 So that's my point on that. And let me go on
25 to another thing. I would like to move -- not move -- I

1 want to add to the category of what might next be on an
2 agenda, and whether that is on the September meeting or
3 the next to-be-determined meeting. I am not sure.
4 Whatever is appropriate.

5 But I would like the Fort Irwin expansion issue
6 to be put on the agenda. Fort Irwin -- I don't know how
7 many people know, but the federal government did provide
8 a legislation last December that moves forward on its
9 expansion.

10 If the expansion goes through as projected
11 right now, it's going to take more than a hundred
12 thousand acres of what is now land available for
13 recreation, available for threatened species, and
14 available for, of course, the tortoise.

15 Now, they -- we are expecting legislation,
16 proposed legislation, to come out on that expansion
17 within the next month or so. That legislation is
18 probably going to better define those areas of the
19 California desert that the Army feels is necessary to
20 take.

21 That's going to curtail recreation
22 opportunities. It's going to obviously impact some
23 endangered species. It's also going to impact areas
24 which have cultural and historical interest in the
25 desert. The Old Spanish Trail, at least some parts of

1 it, would be in an area that they want to expand and
2 tear up. There are also numerous cultural sites in the
3 wilderness study areas that they want to take over.

4 Now, as far as that goes -- and what I hope we
5 could get some more information on if we put it on the
6 agenda next time -- is to encourage the Army to really
7 take a look at the need for this expansion. A lot of
8 what they seem to be going through right now is a
9 redefinition of what is the best way for the Army to
10 provide for the defense of this country. They are
11 having so-called doctrine discussion as to whether they
12 really need heavy tank warfare in the way they have set
13 their training up so far.

14 So I think we should be part of that
15 discussion. We as desert users are certainly impacted.
16 I would like to raise the level of consciousness on
17 that.

18 I guess the last thing that I wanted to say
19 is -- my first meeting was last time. And I kind of
20 closed by suggesting that people take a walk in the
21 desert and go out and experience some solitude.

22 I took a number of walks this spring. And I
23 guess I do want to report on that. There were a lot of
24 flowers out there. We had a really nice year. Every
25 time I go out there, my interest kind of seemed to get

1 more into finding new species of flowers I hadn't
2 enjoyed before.

3 At the end of this meeting, I am going to go
4 out and look for some more in the Panamints. You know,
5 because the flower year generally doesn't end. It
6 starts way down south, and it goes higher up in
7 altitude. And I will be up on Telescope Peak looking at
8 flowers. I suggest we all get out and do that and feel
9 the quiet and the solitude and opportunities we have in
10 the desert.

11 Last item, I asked that Doran put up a poster
12 over there which the BLM just released recently called
13 their "National Wild Lands Opportunity" or Heritage
14 poster. They have been criticized in the past for not
15 publicizing some of the recreation opportunities and the
16 basically really scenic treasures that they are
17 responsible for.

18 They seem to be starting on this kind of a
19 program. And I applaud that; because I think the BLM
20 needs all the public support they can for their
21 conservation mission. Thank you.

22 COUNCIL MEMBER REDDY: Excuse me. Ilene gave
23 me permission to make a comment on that. One thing that
24 we should pay a little attention to -- and I think this
25 goes back, actually, to Roy's first comment -- that when

1 the DAC makes a recommendation on something, that we
2 hope that the BLM follows it.

3 And you weren't on the council at the time.
4 But several years ago, we spent a lot of time reviewing
5 the Fort Irwin expansion. And unless the expansion is
6 different than what I thought was coming out in the
7 draft, they had four different alternatives I think at
8 the time.

9 We spent a couple of meetings and including one
10 day flying around in helicopters all over reviewing the
11 areas of the proposed expansion. And their preferred
12 alternative at that time was to move east, directly
13 east.

14 And the council -- we came up with a completely
15 different recommendation. And I believe that they --
16 the expansion is in the direction that we had
17 recommended, isn't it?

18 DISTRICT MANAGER SALT: Generally.

19 COUNCIL MEMBER REDDY: Generally. So they
20 actually did, in this case, they did not -- their
21 preferred alternative -- they actually paid attention to
22 the council and took our advice under consideration in
23 that case, Roy. So sometimes it does happen. I think
24 that was actually, in the six years I have been in this
25 council, one of the most effective things we have

1 actually done.

2 So with all respect, I would like to suggest
3 that once the council -- and it's the council. It's not
4 the persons on the council. But once the council has
5 already reviewed something, made their recommendations,
6 and it was accepted, that we then not go back and say,
7 oops, we are sorry, we would like to do it all over
8 again.

9 COUNCIL MEMBER ELLIS: I would agree with that,
10 except it is the case that they have altered the
11 proposed expansion particulars quite a bit. And, in
12 fact, it is now being done under new legislation, which
13 is not really what was there before.

14 So I think it is time for an update on that.
15 And then the council could decide whether it wanted to
16 modify their previous position.

17 COUNCIL MEMBER CASEBIER: I am Dennis Casebier,
18 representing the public-at-large. Separately, I am
19 chairman of the Friends of the Mojave Road and a
20 director of the Mojave Desert Heritage and Cultural
21 Association, where we are building a cultural center at
22 Goffs.

23 Just a couple of things. I am the last one
24 here, so I get to build on what everybody else said. I
25 share Colleague Denner's concern about how input from

1 the council is handled. My impression is that BLM and
2 other land management agencies are required to have an
3 advisory council by law.

4 So you always run the risk of having the
5 appearance that that's why you are doing it, and that
6 the land manager will pick and choose amongst the
7 recommendations that are made for the things he won't
8 do, anyway. And that concerns me.

9 I think, Tim, I think you are always in that
10 risk zone. You are with me. And I hear some other
11 sentiments like that here. And just -- as far as I am
12 concerned, I just want to make sure I am not spinning my
13 wheels, that somebody is paying attention.

14 And that was a pretty spirited meeting we had.
15 And it had a very definite outcome. And for it to be --
16 not to make it into the minutes, I think is very
17 serious. And you run the risk, I am afraid, of
18 conveying the impression that you are not being --
19 always being guided by the public and what the public
20 really wants.

21 But that you -- you might be guided by what
22 seems politically correct on today's interpretation or
23 misinterpretation of the Endangered Species Act or what
24 the folks in Tucson happen to throw at you next. I
25 think we got to stand up against that. We got to have

1 the courage to do that.

2 As a resident of San Bernardino County and a
3 great admirer of the cattle industry, from a number of
4 different perspectives, I think it has great cultural
5 value. Because those are hard working people out there.
6 They are my neighbors, or they were.

7 They work from "can't see" to "can't see." I
8 even had one rancher who was a neighbor who says he is
9 never going to drink whiskey again. Because he had to
10 chop ice all winter, well, by April, he changed his
11 mind.

12 But I stand aghast at what's happening to Dave
13 Fisher and others. And I look forward to whatever
14 comment you might make on that, Tim.

15 And when it comes to, how does the bureau
16 respond to public input, I am really interested in this
17 letter that Roy passed out from the California
18 legislature, signed by 50 elected officials.

19 COUNCIL MEMBER DENNER: 53.

20 COUNCIL MEMBER CASEBIER: I meant to say "more
21 than 50 elected officials."

22 That's a lot of public input. Those guys and
23 gals are concerned about what they say. Because they
24 would like to get elected again. So they are
25 representing a huge constituency.

1 So I would be real interested in hearing, Tim,
2 what BLM is doing about this letter. That's a huge,
3 huge public input. Thank you.

4 COUNCIL MEMBER BETTERLY: Madam Chairman, I
5 said I had no comment to start with. I did not realize
6 that the people were introducing themselves. And I
7 think that the record should show my name is Bill
8 Betterly. And I do represent the community-at-large,
9 filling a vacancy on this board, and a new member of it.

10 But I, too, have, with you, Dennis, a lot of
11 concern on the letter that was passed out with over 50
12 legislators' signatures. And it's not so much that they
13 are running for reelection or that they will be
14 reelected or not be reelected.

15 Anybody that runs for one of those offices,
16 whether it is the Senate or the Assembly, has to take
17 into consideration the vast majority of the people
18 within their district. And they certainly must have, or
19 they would not put their signature on a letter like
20 this.

21 Now, I am a former County Supervisor of San
22 Bernardino County. San Bernardino County has over
23 21,000 square miles. My district was over 19,000 square
24 miles, representing the mountains and the desert of San
25 Bernardino County. And I have only spent 77 years in

1 the county of San Bernardino, a native son.

2 And I, too, support a lot of what's happened
3 here today, and especially on the minutes of the meeting
4 in October. Now, I was not on the board at that time,
5 but I was there at that meeting. And I do recall the
6 motions that were made. And that's all I have at this
7 time. Thank you.

8 COUNCIL MEMBER MC QUISTON: For the record,
9 too, I didn't know when we were headed this way -- my
10 name is John McQuiston. I represent the First District
11 County of Kern, which includes the Indian Wells Valley,
12 where we are today, city of Ridgecrest, the community of
13 Inyokern, and it extends southward down to the mining
14 communities of Randsburg and Johannesburg and continues
15 westward then toward the mountains, all the Kern River
16 Valley communities, and ultimately ends up in the San
17 Joaquin Valley. Thank you for being here.

18 COUNCIL MEMBER DENNER: I guess I forgot to
19 mention my name, too. My name is Roy Denner. And I
20 represent the Recreation industry, which is more than
21 OHV, by the way. I am also -- I have a couple of
22 comments.

23 Relative to that letter -- I forgot to point
24 out -- just for your information, that there is a
25 mixture of Republicans and Democrats and Senators and

1 Assemblymen signed onto that letter. So it's not like
2 some political party is buying into this idea. These
3 people are all concerned.

4 And the second thing, I forgot to pass
5 something else out that I have. I mentioned that there
6 has been a lot of communication between the State
7 Director Mike Pool and myself regarding this, the
8 national OHV strategy. And I made copies of those
9 letters if anyone is interested in tracing just, you
10 know, what kind -- kind of back up the comments that I
11 have made about the back and forth and no resolution.

12 And I am going to pass those out to everybody.
13 I would like them to be entered officially into the
14 minutes, as well. And I will have extra copies of these
15 letters in the back after the meeting.

16 COUNCIL MEMBER KEMPER: Madam Chair, is it
17 appropriate at this time to have a motion for an action
18 item?

19 CHAIRPERSON ANDERSON: I think I would like to
20 hold that until a bit later. Because I would really
21 like Tim Salt to have an opportunity to give his report.
22 And then we can proceed from there.

23

24 DISTRICT MANAGER'S REPORT

25 DISTRICT MANAGER SALT: I think most of the

1 things that I intended to talk about today have been
2 addressed in one way or another. I guess I would like
3 to discuss a little bit the remarks that were made
4 relative to -- response to comments by the council.

5 AUDIENCE: Can't hear.

6 DISTRICT MANAGER SALT: Can we move this
7 podium, too? I can only see about half the people out
8 there. That means they probably can't see me.

9 AUDIENCE: That might be a good thing.

10 DISTRICT MANAGER SALT: Last Saturday I
11 celebrated my 27th anniversary with the Bureau of Land
12 Management. And, you know, there a lot of things about
13 this agency that I am very proud of. But I think the
14 one thing that I am most proud of is its commitment to
15 public involvement.

16 And, Dennis, I certainly agree with you that
17 there is a huge risk in committing to public involvement
18 and committing to, you know, involvement with the
19 council. Because, you know, any time you take any
20 action that those who submit public comment don't feel
21 is consistent with that action, you know, the natural
22 conclusion is that you disregarded that public comment
23 or the input from the council.

24 I think although the Fort Irwin experience was
25 also before my time, you know, that is always identified

1 as a very good example where the input of the council
2 has been, you know, very important in shaping the way we
3 have gone.

4 But I would also like to suggest that there has
5 been an awful lot of things that have happened in the
6 four years that I have been here that, you know, have
7 continued that. Most of the meeting time that we have
8 spent in the last four years has been relative to
9 development of these bio-regional plans that we are
10 working on right now. And the input from the council
11 has been very important in helping to shape the
12 different alternatives that came out of that.

13 You know, we are a long ways from decisions on
14 those plans. But I think the input from the council has
15 been very key in helping to shape those. I think there
16 is a number of other issues relative to the feed
17 program, relative to how we manage things in Glamis
18 Dunes, that the council is establishing -- establishing
19 the TRT, which I think has been, you know, extremely
20 valuable in managing off-highway vehicle use in the
21 Glamis Dunes.

22 So I do think that there has been an awful lot
23 of things that the council has, you know, given input on
24 that have been extremely valuable and have demonstrated
25 our commitment to that input from the council.

1 But I also say and remind the council and
2 everyone else that because we don't do everything that
3 is requested by various groups doesn't mean we haven't
4 considered the comment.

5 We are in a very difficult time right now
6 relative to litigation and the counter-litigation and
7 everything else that is helping us to shape the way we
8 manage the California desert.

9 You know, I would take exception to the
10 characterization that our interpretation of the
11 Endangered Species Act is based upon a political agenda.
12 You know, we are moving forward. I think that if, in
13 fact, if you ask those people who sued us, you would get
14 a different answer.

15 I don't think they are any happier about the
16 way things are going than -- you know, those people who
17 have been affected by the suit. I don't know that that
18 means that we are in the right spot. But I think that,
19 you know, your satisfaction with what the bureau is
20 doing has a lot to do with, you know, what perspective
21 you are viewing the bureau from.

22 One other thing -- later in the meeting, we are
23 going to talk about plans, you know, the letters -- the
24 two letters that Roy has presented us with today -- and
25 I have not seen either of these letters until today. So

1 I don't want to comment specifically on the letters.
2 But I think we will view those -- in all probability, we
3 will view those as comments on the plans.
4 And typically we don't provide specific
5 individual responses to comments on the plans. You
6 know, those comments are incorporated in the plan. And
7 in the analysis of the Public Comments section of the
8 final EIS, those comments will be summarized, and then
9 they will be responded to in that manner. Typically, we
10 wouldn't respond to comments on a plan on an individual
11 kind of basis.
12 I think that's the extent of the response to
13 the issues raised by the council members. I did have a
14 few other things that I wanted to address.
15 First off, I apologize. There was a -- I was a
16 little surprised Roy didn't bring up another issue that
17 he had between the last meeting and this one relative to
18 what apparently was some confusion by someone, maybe me,
19 maybe some of the council members, about what we had
20 agreed to at the last council meeting.
21 It was my understanding at the last council
22 meeting that we were not going to have as an agenda item
23 at this meeting discussion of the NECO plan, that we
24 agreed to defer that until September when the comment
25 period had closed, so the council could benefit from a

1 summary of the public comments in preparing their
2 response to the NECO Plan.

3 And the next meeting in September would be
4 devoted to dealing with the NECO Plan and the NEMO Plan,
5 and that this meeting would be to address off-highway
6 vehicle management and specifically the off-highway --
7 "Off Road to Ruin" report.

8 So that's the way I proceeded. And apparently
9 there were some who didn't see it that way. I apologize
10 for any miscommunication on that.

11 And as Bob Ellis suggested, to try to alleviate
12 that in the future, what we have agreed to do at the end
13 of the meeting is to recap what we all thought we agreed
14 to at that meeting, so we can all leave the room with
15 the same understanding. And I will follow that up
16 within a week of the meeting with a letter from me back
17 to the council members that will precede the actual
18 draft minutes that Doran will send out.

19 I just have a few items to talk about in the
20 district manager's report. First, I would like to
21 report on the June 1st NECO workshop that the council
22 requested. Unfortunately, it was not very well
23 attended. There were four council members there. But
24 all who were there agreed it was a very productive
25 session, and that I think we all learned a lot about the

1 process and the plan and where we are going from here.

2 I would like to let council know that we have
3 begun what is expected to be a very busy fire season
4 this year. And if you talk to a fireman, every season
5 is expected to be a busy fire season. If you have a lot
6 of rain, it's expected to be busy, because there is a
7 lot of dry grass. And if you don't have a lot of rain,
8 it's expected to be busy because you didn't have a lot
9 of rain.

10 The south is a little unique this year.
11 Because in the south, we had quite a bit of rain, so
12 there is going to be a lot of dry grass. And in the
13 north, we didn't get much rain at all. And Susanville
14 has already had a major fire this year. So I think that
15 it's going to be a very active fire year for us
16 throughout the west.

17 After last fire year, Congress committed quite
18 a bit of money to the federal agencies to deal with the
19 fire program. A lot of that money was -- is funneled to
20 the local agencies. So I think we are going to be under
21 the gun this year to do a better job than we did last
22 year in response to that. But as I said, we are
23 anticipating a pretty busy fire year.

24 I would like to comment on some of the actions
25 that we have taken since the last meeting relative to

1 the implementation of the lawsuit settlement agreements.
2 We have been pretty busy. The -- and that is due
3 largely to the fact that the things we agreed to in
4 January have taken some time to accomplish. And
5 coincidentally they have all kind of come out at the
6 same time or relatively near the same time. But I would
7 like to recap those actions.

8 We did, as Ron suggested, issue 15 grazing
9 decisions to implement settlement actions. Shortly
10 after that -- or, actually before that, but before the
11 Court hearing -- the plaintiffs in the lawsuit filed a
12 motion for contempt, indicating that we had not acted
13 quickly enough to implement that particular settlement
14 action.

15 We had a hearing before the judge. The judge
16 did not find us in contempt, but he did say we were in
17 violation of the Court order and told us to come back
18 the next week and tell him how we are going to get back
19 in compliance with the order.

20 The normal appeals process for a grazing
21 decision can take years to be heard. You know, in
22 response to the report, the Department of Interior has
23 set in place a process to expedite those hearings, so
24 that the hearings on those appeals, the evidentiary
25 hearings on those appeals, can take place, and a

1 decision will be issued prior to the September 7th
2 date.

3 The settlement agreement calls for removal of
4 livestock from certain portions of the desert and desert
5 tortoise habitat. Those -- like I said, those decisions
6 were issued. And the people -- anybody who feels that
7 they are adversely affected by that decision has 30 days
8 to file appeals. That period ended or -- let's see,
9 will end the first part of next week. And we have
10 received a number of appeals. And those hearings are
11 scheduled to begin the week of July 23rd.

12 We have also received a countersuit by the
13 CORVA, AMA, and the American Sand Association relative
14 to the closure in the sand dunes. The closure in the
15 sand dunes was the second settlement agreement that we
16 entered into.

17 The intervenors for the off-highway vehicle
18 communities went back to the Court and asked for some
19 clarification on that settlement agreement. And the
20 rulings -- the Court indicated that we should not use
21 the ruling of the Court for the basis of that closure.
22 There was some confusion in the way that the original
23 Federal Register notice was written to identify that
24 closure.

25 So we have gone back now and developed a new

1 closure that was published in the Federal Register
2 yesterday. But the -- this group of off-highway vehicle
3 organizations has sued relative to that original
4 closure, and they have also issued a Notice of Intent to
5 Sue relative to how we dealt with the endangered species
6 issues on that.

7 There was reference made to the law enforcement
8 agreement that we recently had with San Bernardino
9 County. Sheriff Penrod has elected to dissolve that
10 agreement for the time being because of his concern
11 about having deputies involved in activities that he
12 does not support.

13 We met with Sheriff Penrod. And he agrees that
14 the law enforcement agreement is a good thing. And, you
15 know, as these issues work themselves out, we have
16 agreed to get back together and talk about reinstituting
17 the law enforcement agreement.

18 Board Member Bill Postmus has also revoked our
19 privileges to use county landfills for free.
20 Historically, for as long as anybody can remember, the
21 bureau has had the opportunity to use the county
22 landfills for free; so that when we do cleanups on
23 public lands, that we can take the things that are
24 cleaned up to the landfill, you know, without cost.

25 We feel that that's something that benefits

1 both the public lands and the county as a whole. And,
2 you know, have looked forward to that as a really
3 positive partnership in the past. And we are sorry that
4 the supervisor has taken the action that he has to
5 revoke those privileges.

6 Yesterday, in the Federal Register, there were
7 a number of actions taken to implement settlement
8 agreement actions. As I said, the new announcement for
9 the closure of the sand dunes was issued yesterday. The
10 closure of the road in Pina Gorge in Imperial County was
11 issued yesterday.

12 The interim closures in the Edwards vole issue
13 were issued yesterday. And the interim closures in the
14 NECO washes decision was yesterday. And last week, the
15 Surprise Canyon closure was published in the Federal
16 Register.

17 Within the next week or so, we should also see
18 the Chinoway Wash closures and the Algodones Camping
19 closure.

20 Last Thursday -- which at the moment seems like
21 weeks ago, but I guess it was only day before
22 yesterday -- we had a hearing before the judge again, a
23 status conference before the judge, to present the
24 situation with the status for --

25 AUDIENCE: Can't hear you.

1 DISTRICT MANAGER SALT: Okay. Let's turn the
2 air conditioning off then. No.

3 Thursday, we had a status conference with the
4 judge and told him how we were doing. And the judge is
5 sufficiently satisfied that he scheduled the next status
6 conference for next April.

7 So we are continuing to implement the actions
8 and settlement agreement. But I think the major flurry
9 of action with all of these -- the Federal Register
10 notices and all is pretty much over.

11 And that's all I have in my district manager
12 report. I do have comments later on the status of the
13 land use plans.

14 CHAIRPERSON ANDERSON: Thank you all for your
15 reports.

16 And moving down the agenda, this time has been
17 set aside for public comment on topics not on the
18 agenda. I was remiss this morning in telling you folks
19 that we have speaker cards located on the back table.
20 And if you would like to make a public comment, please
21 feel free to fill one of those out. And I will receive
22 those and call your name.

23 Some people have already -- are already used to
24 this sort of thing. So I have some -- some request
25 cards. And I would like to start the period of public

1 comment.

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PUBLIC COMMENT

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CHAIRPERSON ANDERSON: So Sam Merk, please come on up. And I think, for the record, you will need to state your name and spell it. Go ahead and use the microphone, so that all of us can hear you.

COUNCIL MEMBER KEMPER: Is there a limit on time?

CHAIRPERSON ANDERSON: Right now, I have no limit. But I will -- I may institute them based on the number of people that turn in cards.

I would like at this point to try to limit them to three minutes. And I know that some of you won't take that long, according to your request card.

SOPHIA MERK: Members of the California Desert Advisory Board, my name is Sophia Ann Merk -- and everybody calls me Sam. I live at 2062 Mice Trail Road, Ridgecrest, California, 93555. My E-mail address is "Sam-I-am-at-IWVISP-dot-com."

First of all, I would like to welcome all of you to Ridgecrest and the desert I so love. The tour yesterday that was planned showed all of us that there are many differences of opinion, and that the BLM has to make judgments on a day-to-day basis that sometimes

1 comes back and literally we live with for decades.

2 What I would like to talk to you about is your
3 role. I realize that you make advisements. However,
4 you are a much-needed process.

5 It is up to you to ask the questions to the BLM
6 regarding: Were the notices sent out to affected
7 parties? Was it placed in the Federal Register? Was it
8 in compliance with NEPA regulations? Was it based on
9 scientific data? And were the affected parties allowed
10 to have documents pertinent to the case? Is it in
11 violation of state's rights regarding water?

12 You are the first line of defense for many of
13 the residents that live in the desert, whether it be a
14 tortoise, a Panamint daisy, or human beings that
15 recreate, whether it be walking, riding, or listening to
16 the sounds of the desert.

17 When an item comes up in a lawsuit that is
18 settled arbitrarily by a judge that is going to affect
19 lives of people, plants, and animals, not necessarily in
20 that order, it is up to you to make some additional
21 questions.

22 I implore you to take the time and to ask some
23 of these questions when planning for NEMO, REMO, and
24 NECO now and in the future for long-range planning.
25 Thank you for your time.

1 CHAIRPERSON ANDERSON: I thank all of you for
2 submitting your request cards. Considering the time
3 that we have, I would like to try to keep it to two
4 minutes, considering the number of people that want to
5 talk.

6 Up next will be Harriet Allen. And following
7 Harriet will be Ron Schiller.

8 HARRIET ALLEN: Good morning, ladies and
9 gentlemen. I am Harriet Allen from San Diego. I speak
10 as an individual and as an old desert rat. I have a
11 wish list, two items.

12 Number one, I hope that on each district
13 advisory meeting, we can have a report from the
14 inter-agency desert group following our desert report.
15 This inter-agency group is a group that puts BLM in its
16 place, and we put them in their place.

17 My second wish is that the state BLM resurrect
18 News Beat. It was a wonderful newsletter that had items
19 from all over the state, and it was the -- a great type
20 of way to keep in touch with BLM. Thank you.

21 RON SCHILLER: I would like to thank --

22 CHAIRPERSON ANDERSON: And, also, Daniel
23 Patterson will speak after Ron.

24 RON SCHILLER: I would like to thank the
25 council for holding another meeting in Ridgecrest,

1 California. We really appreciate your attendance up
2 here and are very proud of the area.

3 I would like to point out a couple of things on
4 the tour yesterday. I realize you saw the good, the
5 bad, and the ugly. You didn't really see the best. And
6 that's what I would like the council to think about as
7 they think about what they saw yesterday. We saw the
8 same old damaged areas that we always see all the time
9 on many of the tours.

10 I would like to point out that, sure, those
11 problems are there. But when you look at the vast
12 majority of the area, they really don't exist. As I
13 pointed out the last time the council was here, one of
14 the biggest issues locally is the El Paso Mountains.

15 Unfortunately, again, you didn't get to see the
16 El Paso Mountains. I think if you saw the El Paso
17 Mountains, which is of a major concern here, you would
18 realize that many of the problems that are perceived
19 don't exist.

20 So I would like to offer the council to anyone
21 who is really interested in really seeing the El Paso
22 Mountains to give me a call, and I will make
23 arrangements to give you a tour myself.

24 Second, I would like to talk a little bit about
25 the West Mojave Management Plan. I would like to point

1 out that Mr. Hague, the project manager, has pointed out
2 that we have to do the route designations in this
3 management plan because the CDCA says to. The plan says
4 so, and they haven't been done.

5 Yet I attended a NEMO meeting night before
6 last, and lo and behold, they said, we are not doing the
7 route designations in this process. It's the same
8 desert plan. It's the same CDCA. Why does it have to
9 be done so urgently in one and not in the other?

10 Sure, I realize that the plans and the
11 management plans have been accelerated. I would like to
12 point out that acceleration doesn't equate to quality.
13 And this community has a big stake in what's open and
14 what's closed. And I think that we really need to put
15 some time and think about that and establish a criteria
16 once and for all by which that can be done.

17 Third thing -- I know someone mentioned the
18 Fort Irwin expansion this morning in the comments. I
19 would urge everyone to look at that a little closer.
20 The reason I say that is because as part of that
21 legislation, there is a third -- in addition to all the
22 NEPA processes we have, the NEPA processes associated
23 with the lawsuit -- there is a third NEPA process that's
24 being overseen by the Secretary of Interior and the
25 Secretary of Army jointly.

1 You can look on the West Mojave website and
2 follow the paper trail, and you will find that that
3 legislation requires a key elements report. Previous
4 proposals by Congressman Lewis -- or Congress, I should
5 say -- required an expert's report that was essentially
6 done by all the biologists involved.

7 I believe that that's a little unfair, because
8 it's not balanced. It only reflects the concerns of the
9 biologists. And there are many other multiple uses that
10 should be considered in there.

11 The second thing is the key elements report.
12 And the point I would like to make with the key elements
13 report is that it's going to be finalized by
14 legislation. Even though there is a NEPA process
15 involved, the public needs to know and be aware that
16 part of that key elements report is designed to inform
17 Congress of the concerns.

18 If you read the key elements report, you will
19 find that -- I call it essentially an environmental wish
20 list that even includes new wilderness designation in
21 the desert. The danger is that the expansion of Fort
22 Irwin is ultimately going to require some mitigation for
23 the tortoise. That mitigation is going to come out of
24 somebody's hide.

25 And so if you look at the expert's report, it

1 recommended that to offset the loss of the tortoise
2 habitat with the Fort Irwin expansion would require
3 2,500 square miles -- that's square miles -- elsewhere
4 to be set aside for the purpose of the tortoise. There
5 is only so much desert available. And somebody is going
6 to lose that.

7 So I would suggest that the public start asking
8 for other types of mitigation to mitigate the
9 recreational loss, to mitigate the recreational losses
10 that Fort Irwin could really have on us. And I think
11 that that's something urgent that people should be aware
12 of.

13 Lastly, I would like to ask about the -- or ask
14 actually a question of Mr. Salt. And that is: As far
15 as the California Desert Conservation Area lawsuit goes,
16 I understood at the meeting night before last for NEMO
17 that the -- that fences and such have been -- being put
18 up at Ash Meadows and Salt Marsh.

19 I religiously follow the Federal Register every
20 day. And I haven't seen any notices of intent or
21 emergency closures or anything else for some of these
22 areas. I also understand in the Argus Range, that there
23 are fences going up around some of the springs.

24 I would point out that there are other
25 considerations that need to be aware of this and ask why

1 they haven't been -- a Federal Register notice or some
2 public notice about it? And if there -- unless I have
3 missed it. If you could explain that for me, I would
4 appreciate it. Thank you.

5 DISTRICT MANAGER SALT: In answer to the
6 question, we do Federal Register notices when we are
7 actually closing lands or routes that were previously
8 open, when we are using -- when we are using regulations
9 to close areas.

10 In this area, we are building fences. And
11 there are actually no, you know, route closures or other
12 actions like that involved. So there isn't a
13 requirement to do a Federal Register notice for those.

14 We take a lot of actions every day, whether
15 it's issuing rights-of-way or mining plans or whatever
16 else. And we don't notice everything we do in the
17 Federal Register. Only when, you know, there is a
18 closure of public lands using certain regulations do we
19 notice it in the Federal Register.

20 CHAIRPERSON ANDERSON: Daniel Patterson. And
21 after Daniel will be Vicky Warren.

22 And please, again, I ask you to try to limit
23 your comments. We have a busy agenda today. There will
24 be additional public comment at the end of the meeting.
25 And as far as I am concerned, we will take that as long

1 as you are willing to talk.

2 DANIEL PATTERSON: Thanks, Ilene, and members
3 of the DAC and Mr. Salt.

4 Just a few things we wanted to come and address
5 in response to the reports that have come out this
6 morning from the council members. The first one is, I
7 certainly would be interested in seeing the letter that
8 you are talking about, Roy. We haven't seen it yet.

9 But I just want to remind everyone in the room
10 that when you are talking about federal public land, you
11 have to consider the compelling national interest in
12 protecting that public land. So that while certainly
13 folks in California, in Ridgecrest, in Tucson, anywhere
14 else, have a direct interest in adjacent public lands to
15 where they live, the agency has a responsibility for
16 considering the compelling public interest, which has
17 consistently shown they want public lands protected.

18 So while it will be interesting to see the
19 letter from the State Assembly, the state cannot carry
20 the day on federal public lands management issues.

21 The other response I would like to make quickly
22 is just to Mr. Kemper and Mr. Casebier. On the grazing
23 settlement issues, certainly I am hoping you guys
24 directly have read the settlement documents. I am
25 assuming you have, probably, Mr. Kemper.

1 But, again, this was an item that was discussed
2 heavily within the Court. The grazers were represented
3 by pretty talented counsel. The judge heard more than
4 two days solid of testimony from them on behalf of this,
5 and then decided that that deal was clearly reasonable
6 and within the public interest.

7 The grazing deal, all that it does -- nobody
8 loses their allotment. All it does is require
9 responsible animal stewardship to protect the tortoise
10 in a five-month restricted cycle.

11 And with Mr. Fisher, for example, in the
12 allotment, he maintains at all times more than 100,000
13 acres of public land to run his cattle on. And we, I
14 think, on the conservation community don't see that as
15 necessarily the same type of hardship that's being
16 represented on that, and as outraged that you might be,
17 Mr. Casebier, at the -- what you perceive is going on
18 with Mr. Fisher.

19 I think the conservation community is equally
20 as outraged at the condition of that public land
21 allotment, which has consistently failed to meet BLM's
22 own standards for rangeland health.

23 The other one I want to raise is not related to
24 the lawsuit, but something that I would consider a big
25 topic upcoming in the future for the advisory council to

1 take a look at. This is utility projects.

2 We already have two major projects planned for
3 Imperial and Riverside Counties within the California
4 desert where the energy industry is trying to push
5 through new pipeline projects. I am referring
6 specifically here to the North Baja Pipeline Project.

7 Outside of a designated corridor, planning
8 process had been done in the past to take a look at
9 where power infrastructure can be put. And that did
10 consider the future needs. And we certainly think it's
11 worthy of a discussion and a future meeting, perhaps the
12 next meeting of the advisory council, to decide maybe a
13 position on keeping future utility projects within the
14 previously identified corridors, which still have ample
15 space to provide for that type of energy infrastructure
16 on that.

17 I think it's going to be a major issue. And I
18 think it's an issue where a lot of us in this room that
19 maybe don't agree on everything with OHV access, et
20 cetera -- I think that there is a lot of common interest
21 on making sure that our public lands in the California
22 desert are not going to be jeopardized by poorly planned
23 utility projects that really seem to want to put in a
24 line on the shortest possible route without
25 consideration to natural resources or public access.

1 And there are two major projects that we are
2 concerned about that right now. The other one is the
3 power lines that are planned to go from Blythe to
4 Niland, again, well outside of the designated utility
5 corridor alternative that exists that could accomplish
6 the same thing with much less impact.

7 I would also like to signal, we certainly would
8 also approve of or support discussion amongst the DAC on
9 Fort Irwin. I think that Mr. Schiller raises some very,
10 very good comments. Again, I think this is another
11 issue where there is significant common ground and
12 common interest about impacts to natural resources or
13 actual loss of public lands base due to the proposed
14 expansion of Fort Irwin.

15 It's moving at a pretty rapid pace at this time
16 and is certainly worthy of, I think, another detailed
17 look on behalf of DAC to see where you guys want to come
18 down on it.

19 Other than that, we are certainly available. I
20 want to make sure that people know, if you have got
21 something to say, feel free to come up and talk to me.
22 And we will certainly be happy to share our perspective
23 on things.

24 And the other thing I want to mention is that
25 there have been some conservation interests that have

1 stepped in the room. But consistently we are
2 representing the viewpoints of millions and millions of
3 Americans who are consistently saying they want
4 endangered species protected and recovered, and they
5 want public lands protected. And that's why we are
6 here, to help provide some comments to the BLM in their
7 mission to do that. Thank you.

8 CHAIRPERSON ANDERSON: After Vicky Warren, it's
9 Stan Haye. And, again, try -- I don't want to have to
10 institute a time limit, folks. But try to keep your
11 comments brief and cogent to the point.

12 VICKY WARREN: I am Vicky Warren with the
13 American Sand Association.

14 And I am more interested in the public comment
15 aspect. And we all have the same concerns that you do,
16 that we are just wasting our time when we write in. Is
17 there a way to know how possibly this management
18 strategy changed with the public comment? I would like
19 to see maybe a before and after, see just how if indeed
20 you do listen, so that we are not all wasting our time.

21 AUDIENCE: I can't hear you.

22 VICKY WARREN: I just -- I guess what we need
23 is a report to see which DAC comments are being listened
24 to. This really bothers me that some of the minutes are
25 not being accurately described.

1 You have two people. You have a court
2 reporter, and you have Mr. Sanchez, taking minutes. And
3 between the two of them, somebody must be covering
4 somebody else's backside to make sure it's accurate in
5 the records. That's what they are there for.

6 The public needs to see these minutes. I
7 religiously watch your website. And I don't see any
8 minutes being posted.

9 And we need a time frame of when we can expect
10 it, so that we can better prepare for these next
11 meetings and be ready for you, so we are not taking 20
12 minutes up here.

13 The last thing I have to ask for now, and I
14 will save the rest of mine for later, is: The NECO
15 washes closures that you mentioned are going into the
16 Federal Register. Am I confused? Isn't that comment
17 period still open on the NECO? Am I right? I am asking
18 you directly.

19 DISTRICT MANAGER SALT: And I will answer. As
20 part of the settlement agreement, we agreed to as an
21 interim measure implement some of the wash closures
22 prior to the completion of the NECO Plan. It is an
23 interim measure. You know, the final decision will be
24 made in the NECO Plan whether or not those are open or
25 closed or whatever.

1 VICKY WARREN: What will make that final
2 decision? What will influence that final decision?
3 DISTRICT MANAGER SALT: The review of the
4 public comments, the analysis, the environmental impact
5 statement that was prepared, the full gamut.
6 VICKY WARREN: But it is part of the
7 settlement? I must have missed that. But I didn't
8 realize we were closing areas that were still being
9 under advisement. I just want to make sure that just
10 because it's there, doesn't mean it's permanent.
11 DISTRICT MANAGER SALT: That's correct.
12 VICKY WARREN: If the statistics prove out that
13 it's not a necessary closure, as in Glamis, those won't
14 remain -- those -- I just want to make sure that there
15 is no alternative plan already in place including
16 closures.
17 DISTRICT MANAGER SALT: I want to be perfectly
18 clear. And I think, you know, this relates also to the
19 letters we received today. You know, we need to be real
20 careful not to be pre-decisional. The decisions have
21 not been made for NECO or NEMO or West Mojave.
22 These are interim actions. And, you know, I
23 will not respond to any of these comments in the
24 meantime; because that's part of the process. We need
25 to wait until everybody has had an opportunity to -- had

1 an opportunity to analyze those comments, you know,
2 before we can respond to them and make decisions. So,
3 yes, you know, no decisions have been made. These are
4 interim measures.

5 VICKY WARREN: Your decisions will be based on
6 sound scientific studies, biological studies, as well as
7 public comment?

8 DISTRICT MANAGER SALT: Yes.

9 VICKY WARREN: One last thing: The fences that
10 you said have already gone up that were mentioned by
11 Mr. Schiller -- and you are saying that it has nothing
12 to do with any road closures? Are you sure there are no
13 routes that have been affected, or nobody is going to be
14 going through where the fences are?

15 DISTRICT MANAGER SALT: First off, the fences
16 have not been constructed yet.

17 VICKY WARREN: Okay.

18 DISTRICT MANAGER SALT: But, yes, it does not
19 close any roads.

20 VICKY WARREN: These were absolutely non-used
21 trails, is what you are saying? They won't interfere
22 with any OHV use?

23 DISTRICT MANAGER SALT: That's correct.

24 VICKY WARREN: Thank you.

25 CHAIRPERSON ANDERSON: Stan Haye, and then

1 Martin Koppel.

2 STAN HAYE: My name is Stan Haye. I live in
3 Ridgecrest. I am a member of the Ridgecrest Field
4 Office Steering Committee and also the Friends of
5 Jawbone, although what I am going to say doesn't reflect
6 their views or any other organization. And my
7 statements concern present plans and their possible
8 purchase, which I understand was the subject of
9 discussion on the field trip yesterday.

10 I have in my possession a copy of the
11 agreement, which I hope all of you have seen, between
12 Rudnick and BLM. The agreement was dated May 7, 1976,
13 and amended November 15, 1979. That agreement governs
14 the management of those lands between Rudnick and public
15 lands in that area.

16 CHAIRPERSON ANDERSON: Can you speak directly
17 into the mic?

18 STAN HAYE: I'm sorry.

19 CHAIRPERSON ANDERSON: You may want to turn it
20 up a little bit.

21 STAN HAYE: Okay. The agreement provides that
22 the lands be divided by a fence; so that lands west of
23 the fence, BLM agreed that it would be -- there would be
24 access only by permit. So therefore, there has been
25 very little public access to those public lands to the

1 west.

2 To the east, Rudnick agreed that existing OHV
3 use, including the hill climbs on the private land,
4 could continue, but that both the BLM and the Rudnick
5 estate would do their best to stop any new OHV use and
6 hill climbs.

7 To my knowledge, BLM has done their part. They
8 have tried their best to keep the agreement, limit the
9 use. I don't think Rudnick has actually done anything
10 to limit the use on his private land. Therefore, I
11 don't think Rudnick has any claim for any damage to his
12 lands. He agreed that that use would continue; and he
13 did nothing to stop it.

14 Either party dropped out of the agreement with
15 30 days' notice. If Mr. Rudnick is unhappy with the way
16 his land is being treated, he should opt out of the
17 agreement. He can then fence his lands, hire armed
18 guards. He can prevent trespass. He can do whatever he
19 wants to. It's private land. He can protect it.

20 If this happens, however, BLM should reclaim
21 the use of and access to the public land to the west of
22 the fence, so it can be used by the public.

23 CHAIRPERSON ANDERSON: Mr. Haye, I believe that
24 the Rudnick Trust opted out of that agreement in 1988,
25 actually.

1 STAN HAYE: Okay. Then Rudnick's
2 responsibility is to protect his land. That's the
3 private land owner's privilege. And if he has opted out
4 of it, then I think BLM should move immediately to
5 obtain access to that land east of the fence by any
6 legal means; because the agreement is not in effect.

7 Okay. Regarding possible purchase of the land,
8 I am not opposed -- however, to my knowledge, Rudnick
9 has never offered full unencumbered fee rights for sale.
10 For example, in the offer to sell dated 11/6/99, Rudnick
11 specifically withheld mineral rights and wind energy
12 rights.

13 It is my understanding that the federal
14 government will not acquire land with less than full fee
15 rights or with encumbrances. Therefore, BLM under these
16 conditions would be prohibited from acquiring the land.
17 And I don't know what conditions the state of California
18 would buy land under.

19 However, that's not for discussion that this
20 group would engage in. It's a state matter. Thank you.

21 CHAIRPERSON ANDERSON: Martin Koppel, followed
22 by Jim Dodson.

23 MARTIN KOPPEL: Marty Koppel -- can everyone
24 hear me? I thought so. Marty Koppel, California City,
25 as a private citizen. I am speaking as a private

1 citizen.

2 We have an anomaly locally here. The federal
3 government mandates environmental mitigation. The cost
4 of mitigation for the Fort Irwin expansion is estimated
5 to be 480 million. But the military may only pay 75
6 million.

7 I suggest that the West Mojave Plan and other
8 environmental actions are a blatant attempt to get us as
9 the resident public to pay the \$405 million difference
10 the federal government does not want to pay. And that
11 is the impetus to quickly finish the West Mojave Plan,
12 in my opinion.

13 I also, as a 40-year citizen activist, find the
14 bureaucrats generally set their agenda and tend to
15 disregard anything that does not fit, so that nothing
16 that happened here today surprises me. Good luck.

17 I feel that under the last administration, the
18 pendulum has swung far too much in one direction on
19 environmental issues. God bless our new president. I
20 look forward to getting some reasonable normalization of
21 environmental issues, especially here in East Kern
22 county. We desperately need the relief.

23 But what good does all this do if afterwards
24 some judge is going to change all that the citizens set
25 in place? I have been promoting smaller species

1 friendly tortoise preserves, especially in the
2 California City area.

3 And I will talk to you at length at that;
4 because I could probably spend about five minutes
5 talking about that at the end of the meeting. Thank
6 you.

7 CHAIRPERSON ANDERSON: Jim Dodson, followed by
8 Julie Allen.

9 JIM DODSON: Thank you, Ilene. I want to have
10 a very different topic to bring up here: The energy
11 crisis. We have seen a panic attack out there in
12 solutions to try and instantly re-electrify California.

13 And I want to urge BLM and the council in its
14 oversight role with the bureau to try and see that this
15 takes place in the context of the California Desert
16 Plan. The plan itself set forth, I thought, at the time
17 a very future-focused set of utility corridors to govern
18 where pipelines and transmission lines would be located
19 in a way that made sense.

20 It was aimed at a very long-term time horizon.
21 And we should adhere to that in the siting of new
22 proposed developments as they come down the line. A lot
23 of these are going to have a, "We have to get it done
24 yesterday," kind of urgency behind them.

25 And I just think we need to take time and make

1 certain that if we deviate from the plan, it's for
2 reasons that do make sense and not just for the
3 convenience of an individual project or utility.

4 And that's it. I just wanted to make that
5 point. I haven't seen it pop up on your agenda yet.
6 And I think it's something that will become a matter of
7 urgency quite soon. Thank you.

8 CHAIRPERSON ANDERSON: Julie Allen, followed by
9 Jeanette McGarvie. And feel free to come up closer to
10 the mic, so you can leap right into action.

11 JULIE ALLEN: Good morning. My name is Julie
12 Allen. I am the vice chair of the San Diego Off-Road
13 Coalition. I drove up here from San Diego county. The
14 comments I am going to make now are my own personal
15 comments.

16 I would like to welcome all the new members to
17 the DAC council, express my appreciation for
18 volunteering your time to further my interests and the
19 rest of the public's interests in managing our
20 California deserts.

21 I hope that you will take your job seriously.
22 I think that you will. But I want to reinforce that by
23 saying how much it means to me for you to spend your
24 time doing this.

25 I share in your frustration and the

1 frustration, I imagine, that you will experience when
2 you spend so much of your time reviewing materials on an
3 issue, considering the public comment, mulling over the
4 facts, and then finally coming to a decision, just to
5 have it completely ignored by the agency that you are
6 here to serve.

7 If you -- when you reach that point where you
8 feel like you are not getting satisfaction from the BLM,
9 I hope that you will call on us; because we will be
10 here. We will be here to back you up and support you.

11 Mr. Salt, a sleeping dog was awakened in
12 Barstow. As more of your lies and your cover-ups come
13 to the surface, more of that dog is going to be
14 awakened. You cannot hold a meeting far enough away
15 that we won't show up to support Roy Denner.

16 I was going to respectfully suggest that you
17 put in for a transfer. I don't think that you are good
18 for our California desert. But I was discussing that
19 with my husband. And he said, why would you wish this
20 on any other part of the U.S.?

21 We don't think that -- he obviously doesn't
22 have the public interest in his mind, through his
23 management. So, therefore, I am calling for your
24 resignation, Mr. Salt. And I wish Mr. Pull were here,
25 so I could make the suggestion to him. I think you have

1 lost sight of your job objectives. I plan to follow
2 this up with a letter to Mr. Pull. Thank you very much
3 for your time.

4 CHAIRPERSON ANDERSON: Jeanette McGarvie,
5 followed by Jim McGarvie.

6 JEANNETTE MC GARVIE: My name is Jeannette
7 McGarvie, and I am the legislative and natural resources
8 representative for San Diego Off-Road Coalition.

9 And I wanted to speak to you today about a
10 situation when I was seated as the chairman for the
11 Off-Highway Vehicle Recreation Commission in Sacramento.
12 At that time, I requested from the BLM a tool which I
13 felt would be most helpful to our commission as well as
14 to our community to understand where the BLM is going
15 with all of these plans.

16 We were denied that request. And I would like
17 to suggest that this commission make the same request
18 before your very next meeting when you are going to be
19 addressing NEMO and all these other plans.

20 That tool was a map of the California Desert
21 District with overlays showing every one of these plans.
22 There are four plans that I know of, plus the Bighorn
23 Sheep Plan, the Desert Tortoise Plan, on and on and on.
24 Every time you put another page down over the top of
25 that California Desert District Plan, you are going to

1 be rudely awakened. And I think that that would be a
2 super tool for you to request at this time. Thank you.

3 CHAIRPERSON ANDERSON: Jim McGarvie, followed
4 by Jeri Ferguson.

5 JIM MC GARVIE: Good morning. My name is Jim
6 McGarvie, M-c-G-a-r-v-i-e. I am chairman of the San
7 Diego Off-Road Coalition.

8 And I would like to make just a couple of
9 comments regarding Imperial Sand Dunes, particularly
10 what I continue to call -- Council Member Ellis'
11 semantic sensibilities notwithstanding -- "closures."

12 Bear in mind that these closures are, as
13 Mr. Salt pointed out regarding other closures further
14 north in the desert, temporary in nature as a result of
15 the lawsuit. The new lawsuit outcome -- pending the
16 outcome of the new lawsuit, it's my understanding that
17 we are still in consultation between the BLM and U.S.
18 Fish and Wildlife regarding the management plan for the
19 Imperial Sand Dunes.

20 And I would hope that it is kept in mind during
21 that consultation, two important facts, as I understand
22 them. One, I think the off-road recreation community
23 has proven that they are willing and able to honor
24 boundaries, like them or not. Obviously, most of us
25 don't. I think we have shown substantial compliance,

1 maybe more than substantial compliance, with those
2 closures.

3 That's an important fact to consider, I think,
4 during the consultation, if some form of closures are
5 still considered necessary, the biological opinion,
6 consider the fact that we will honor those closures if
7 we are convinced they are necessary.

8 And I think that has an effect on the decision
9 regarding the size and location of those closures. If
10 it is in fact deemed necessary to protect species such
11 as Peirson's milk vetch, we can do so with so-called
12 postage stamp closures that were not considered during
13 the negotiations of the lawsuit because of the fear that
14 they would not be honored and difficult to enforce. I
15 think we have allayed that fear.

16 Secondly, the recent study just concluded seems
17 to indicate that the Peirson milk vetch is virtually
18 thriving in the Imperial Sand Dunes. I know many will
19 say that's because of the rain. That's true.

20 As Council Member Ellis pointed out, it's been
21 a great year for plants and flowers, and that includes
22 the Peirson milk vetch. And I think we might consider
23 that possibly weather has even more to do with the
24 survivability of that species than any form of
25 recreation possibly can.

1 I would urge the members of the council to urge
2 the BLM to make sure that these factors are included in
3 the consultation with U.S. Fish and Wildlife. Thank you
4 very much.

5 CHAIRPERSON ANDERSON: Jeri Ferguson, followed
6 by Jim Colln.

7 JERI FERGUSON: Hi. My name is Jeri Ferguson,
8 F-e-r-g-u-s-o-n. I am from the California Association
9 of Four Wheel Drive Clubs.

10 I have three items. The first one is the West
11 Mojave Plan and the route designation. In view of the
12 NEMO plan, since they are only designating 30 percent of
13 the -- and 30 percent of the routes in -- or the land in
14 the NEMO plan, I would like to see some consistency
15 throughout the plans, and also have a West Mojave Plan,
16 only do it in Critical desert tortoise habitat.

17 The lawsuit: The Federal Register notice on
18 the closure for Surprise Canyon, one of the ending
19 things was that it would be contingent on an EA being
20 done, would be the final decision in the settlement. In
21 the Federal Register notices, it says that it would be
22 done during the CDCA plan amendment, which meant after
23 the NEMO plan was done, which was not part of the
24 settlement.

25 The NEMO plan, back in the book, back in the

1 very back of the book, there is a Wild and Scenic Rivers
2 designation. I spent a great amount of time looking up
3 the Wild and Scenic River. It's a long process, a very,
4 very complex process. And it should not be thrown in
5 with the NEMO Plan.

6 If there is to be Wild and Scenic River
7 designations on the Amargosa and Surprise and the
8 other -- few others, it should be a separate thing. It
9 should not be included in one of the CDCA plans. And so
10 I think the Desert Advisory Council should take a look
11 at that. That's major. And just to be thrown in the
12 back of a plan is not appropriate. Thank you.

13 CHAIRPERSON ANDERSON: Jim Colln. Following
14 Jim will be Alfred Shebring. I apologize for massacring
15 all the names.

16 JIM COLLN: Mine is hard, Jim Colln, spelled
17 C-o-l-l-n, no "i," no "s." It's hard.

18 I represent R & R Duners Club. It's mainly --
19 mainly camps at Glamis. We are a 22 family membership
20 with over 80 people involved. And it has hurt our
21 recreation out there with the closure. Because now we
22 don't feel as safe driving in a closed area, or a
23 smaller area, because of the closure.

24 Another comment I would like to make is for
25 information to get out to us about what's going on in

1 each area, since our group mainly goes to Glamis -- we
2 travel other places, as well -- is that kiosks or ranger
3 stations having lists somewhere where we can sign up for
4 information via either mail or E-mail would greatly be
5 appreciated to get the word out to us that recreate at
6 that local area.

7 A comment as far as like driving up here today,
8 I saw areas where there was actual trails going up the
9 hills. To some people, that's ugly. To other people --
10 I look at that and say, someone was having a really good
11 family time out there. They were having fun. They were
12 enjoying the recreational use of public lands.

13 And as far as the national draft, there was
14 over 14,000 comments in a 30-day period. And 30 days
15 later I received a book. Were those comments even
16 reviewed? Because parts of that plan were not in the
17 final draft. There was a whole section missing. That,
18 I would like to discuss later on with that. Thank you.

19 CHAIRPERSON ANDERSON: Alfred Shebring,
20 followed by Babette McGhee.

21 Alfred, are you around? Okay. Babette.

22 BABETTE MC GHEE: Thank you very much. My name
23 is Babette McGhee. I am a citizen of the state of
24 California from Sonoma County. I came here today;
25 because I take almost all of my vacations in the desert.

1 And I care very deeply about what happens in the
2 environment there.

3 And I think I represent millions of people in
4 this state and around the country who care a lot about
5 what happens to our public lands and how we are
6 preserving for future generations. That is an important
7 consideration.

8 I want to thank the Bureau of Land Management
9 for the excellent tour they gave yesterday. It was
10 extremely informative. And I think they are doing a
11 good job, considering all the conflicting interests and
12 the very high level of dialogue in this community, which
13 as an outsider it's very interesting to observe.

14 But I do want to remind you, I am the kind of
15 tourist that comes to your area. I bring a lot of money
16 into the economy. I stay in a hotel. I eat in your
17 restaurants. I spend money in your gift shops. There
18 are a lot of people like me who do play an important
19 role in your local economy.

20 And we want to see the desert quiet. We want
21 to see it in a natural state. We want to see the
22 species that live there protected.

23 And I also have a remark I would like to make
24 to my fellow citizens who are off-road vehicle
25 enthusiasts. I would like to see a more civilized

1 dialogue. I really regret the vilification of
2 environmentalists. I regret the disrespect in this
3 meeting.

4 I heard boos after one of the speakers. And I
5 think that if the people who want to use this land for
6 that purpose want to earn our respect, they need to show
7 some more respect. Because we all are public land
8 owners. We are all citizens. And I think that we
9 deserve the respect.

10 So thank you very much for the work you are
11 doing. And I encourage you to keep going in preserving
12 this beautiful, beautiful landscape. Thank you.

13 CHAIRPERSON ANDERSON: Mike Pumar, followed by
14 Robert Strub. Mike Pumar?

15 MIKE PUMAR: Hello. My name is Mike Pumar. I
16 live at 2180 East Washington Avenue in Escondido,
17 California. I would like to thank the DAC members for
18 allowing me to speak before you and make these comments.

19 I have one question. And it regards the
20 location of the meetings. I have attended the last two
21 DAC meetings, this one and the one that was held in
22 Barstow. From where I live, I had to get up at 4:30
23 a.m. in the morning to attend the meeting.

24 And I would think that if you really wanted
25 public input, that you would hold these meetings in more

1 populated areas. And that would allow the people who
2 attend the meetings to express their viewpoints, based
3 on whatever their beliefs are.

4 Number two, I am a responsible off-highway
5 vehicle enthusiast who uses the Imperial Sand Dunes on a
6 regular basis. I tread lightly. I clean up after
7 myself and those who don't.

8 I can't help but feel that I should comment
9 about how beautiful the dunes were this past winter
10 after all the rainfall that we had, the abundance of
11 wild flowers, both in and outside the closed areas. And
12 that included the Peirson snow vetch. Thank you.

13 CHAIRPERSON ANDERSON: Bob Strub, followed by
14 Jeannie Haye.

15 BOB STRUB: Thank you for being here today and
16 allowing us to address you. I am Bob Strub, S-t-r-u-b.
17 And I am on the Ridgecrest Steering Committee. And I
18 want to propose something for your agenda.

19 And you have resources that you protect. And
20 some of them are apparent; some of them aren't. And one
21 of the resources that you have are the BLM employees.
22 And I think you should have a review of your loss of
23 experience that might be occurring as we speak.

24 And that is due to the lawsuit, I feel. And so
25 if you make a study saying, all right, we have 10,000

1 years of experience in the desert district, and then all
2 of a sudden you are going down to 7,000, you have got a
3 problem. And I don't think it's money. I think money
4 is always in there.

5 But I think you can't solve it by just
6 increasing their pay. You have to have a method for
7 them to interact. And I think they are feeling that
8 they are being worked around with their efforts, just
9 like a lot of citizens are with this lawsuit.

10 So I think you should consider that for a
11 future topic, if you are losing 20 or 30 percent of your
12 years of man experience at BLM.

13 Item 2, in regards to lawsuit, Center for
14 Biological Diversity, fifth settlement document,
15 paragraphs 8 and 18, it just seems like it's an anomaly
16 of logic to even attack the issue of water in Homewood
17 Canyon, and that 99 percent of the water is already
18 going to the Inyo California towhee. And the Inyo
19 California towhee has already met its delisting goal of
20 400 individuals.

21 It just doesn't make sense to be so extreme as
22 to take away people's water rights that have been using
23 those waters -- or their predecessors have been using
24 those waters -- for 50 or a hundred years when you have
25 already achieved your delisting goal. And I think you

1 will find that there is a lot of stability in there.

2 And in essence, 99 percent of the water already

3 goes to these animals. It's available unfettered by

4 man.

5 Item 3, with the NEMO Plan, you have Wild and

6 Scenic Rivers. And therefore we have asked the NEMO

7 people to come to Trona to have a meeting. If you are

8 inferring with the act that you are protecting Surprise

9 Canyon from damming in the future -- that's what I think

10 the major purpose of the act initially when it was

11 formed, was to protect certain rivers from being damned

12 in the future.

13 Then I would like to know which rivers

14 remaining in the Panamint Valley are suitable for

15 damming economically, as far as the geological position,

16 elevation, things like that, the form behind it. We

17 have asked for that. Hopefully, we will get some

18 answers as far as flows from the rivers and the

19 reasonableness of what is being left remaining. Thank

20 you.

21 CHAIRPERSON ANDERSON: Jeannie Haye, followed

22 by Norm Lenhart. Jeannie Haye, you are up next, and

23 then Norm.

24 JEANNIE HAYE: Yes. I want to read this in

25 support of Tim Salt. I -- can you hear now? Thank you.

1 Not just local people are served by Mr. Salt
2 and his people. He seems to be doing the best he can to
3 apply the laws of the land. It's not an easy job.
4 Americans nationwide count on it, not just here in
5 Ridgecrest. I support his work, and have many
6 colleagues who agree. I also support the people I know
7 that work for him.

8 Thank you, Mr. Salt, and thank you for allowing
9 me to speak.

10 CHAIRPERSON ANDERSON: Norm Lenhart, followed
11 by Eleanor Koppel.

12 NORM LENHART: Hello. For those of you who
13 don't know me, my name is Norm Lenhart. For six and a
14 half years, I was a senior editor of the InterNet site
15 Off-Road-dot-com. We are a publication that serves 1.4
16 million people per month.

17 I would like to comment on one of the things
18 one of the ladies said earlier back here about the
19 vilification of the environmentalists. I do a column
20 every month called, "It's Not Easy Being Green," which
21 pretty much centers around vilification of
22 environmentalists.

23 But on the other side of the coin, I am reading
24 here from quotes from "Off Road to Ruin," some comments
25 that were picked out by Mr. Denner. The entire "Off

1 Road to Ruin" fiasco was nothing but a vilification of
2 off-roaders. Off-road vehicle users --

3 CHAIRPERSON ANDERSON: Can I just -- I
4 appreciate your comments. That's going to be an agenda
5 item later in the meeting. And if you are -- you have
6 comments on something other than --

7 NORM LENHART: Yes, I do.

8 CHAIRPERSON ANDERSON: -- items that are on the
9 agenda, I think those are appropriate now. But,
10 certainly, feel free --

11 NORM LENHART: Thank you.

12 CHAIRPERSON ANDERSON: -- to air that --

13 NORM LENHART: The other thing I would like to
14 point out is -- well, actually, this may lead in -- you
15 have to make the call.

16 Some of the things that off-roaders actually do
17 out here on the ground, like the hundred tons of garbage
18 taken out of Barstow last year at one of the cleanups --
19 I guess it would lead into -- I probably should reserve
20 comment for then.

21 It's just something to keep in mind that while
22 we are vilified in such ways, there is a lot of things
23 out there that we are doing that we should be recognized
24 for and that should be taken into consideration. Thank
25 you.

1 CHAIRPERSON ANDERSON: Eleanor Koppel. And
2 then if Alfred Shebring showed up, you are on after
3 Eleanor.

4 ELEANOR KOPPEL: Thank you. My name is Eleanor
5 Koppel. I am a private citizen and resident of
6 California City. I have lived in the desert for 25
7 years. I appreciate the desert. I love what I see out
8 there when I go out there. And I do get out there. And
9 I appreciate it.

10 I do tend to disagree, though, with Ms. McGhee
11 and the remarks she made. I think she was disrespectful
12 to the people who do live here. I don't know where she
13 comes from. She says she vacations in the desert. I
14 assume she lives in a populated area. And the area she
15 lives in, she has already desecrated.

16 We are not trying to desecrate our desert area.
17 We want to live here. And we want to enjoy it as it is.
18 And I think we have taken measures to keep it the way it
19 is, even though some of us want to have our recreation
20 here right where we live and to accommodate those who do
21 come to live here.

22 Ms. McGhee, we don't need your money. We are
23 not impressed with it. You can stay home. Because you
24 have already desecrated the land you are in. If you --
25 if you want to come out here, we want you to appreciate

1 our desert and appreciate us that live here already and
2 take care of it for you. Thank you.

3 CHAIRPERSON ANDERSON: I would now like to take
4 a five-minute break, so that we can try to get back on
5 schedule. So we will reconvene in five minutes.

6 (Recess.)

7 CHAIRPERSON ANDERSON: We are ready for the
8 Field Manager's Reports. And I would like to remind the
9 field managers that we have reviewed those reports that
10 were submitted to the council.

11 For the members of the public, they are
12 available on the back table. And we don't -- this is
13 more of an opportunity for the council members to ask
14 questions of the field managers with regards to those
15 reports. So we would like to try to keep this to a
16 three- to five-minute interaction with each field
17 manager.

18 And, Hector, would you be willing to start off
19 the Field Manager Report session of the meeting, please,
20 Hector?

21

22 FIELD MANAGER REPORTS

23 HECTOR VILLALOBOS: Thank you for being in
24 Ridgecrest to attend our meeting here. My field report
25 was basically what we did yesterday during the field

1 tour. But I am going to ask a member of my staff to
2 provide a presentation for you as a result of last -- of
3 the last meeting.

4 But, first -- sometimes I get kind of nervous
5 in front of a microphone and in front of a lot of
6 people. But I am not so stiff sometimes.

7 Let me start first by thanking the District
8 Advisory Council for coming here to Ridgecrest. As a
9 field manager here in Ridgecrest, I have often gotten
10 lots of comments from the community here of desiring to
11 have these meetings in the Ridgecrest area.

12 Sometimes I know it's kind of a balancing act
13 that my field manager has to do to try and accommodate
14 the whole desert. It's a big area, over all of southern
15 California. And the folks here in Ridgecrest sometimes
16 feel neglected. I am very happy that you are here. And
17 I am very happy that some of you folks from out of town
18 are here now contributing to the local economy, which I
19 have often heard a lot about.

20 Another thing that I would like to say is thank
21 you very much for participating in the field trip. I
22 wanted to kind of illustrate to you some of the
23 complexities and our responsibilities on the ground.
24 It's a very complex job. It's a very demanding job.
25 And we have got all kinds of interests to try and

1 address while we are out there on the ground.

2 I would like to say that the field office
3 people are the ones on the ground trying to implement
4 the laws and regulations of this country. And I think
5 they are doing a fine job of it.

6 Let me say another thing, too, is that I am
7 glad that all of you are back from the field trip.
8 Yesterday when I pulled into the parking lot, one of my
9 last thoughts was: Is there anybody out there that we
10 left in the desert? I got very concerned. And I asked
11 a few people that were still in the office. I am glad
12 you all made it back.

13 I want to thank a few people here that have
14 said some nice things about us. I want to thank --
15 Sherry, thank you for your comments. Bob Strub and the
16 other members of the Steering Committee here in
17 Ridgecrest, I want to thank you for your support.

18 I wanted to say one thing, and that is to give
19 credit to my staff. Our staff has been working very
20 hard. There are some of them out in the audience today.
21 It's Saturday. They are just like you here, interested
22 in finding out what's going on and how they can do their
23 job better.

24 I also want to thank all the partners that we
25 have out there. I may not be able to name them all.

1 But we have CORVA, for example, Cal Four Wheels. We
2 have the Desert Tortoise Preserve Committee. We have
3 the Boy Scouts, the local Boy Scout members out here
4 that do a lot of work on the ground.

5 We have our student conservation association
6 that does a lot of work on the ground. And together
7 with our staff, they are doing the kinds of things that
8 you saw out there, out in the field. And I want to
9 applaud their efforts. Thank you very much for doing
10 the volunteering.

11 One thing I would like to say about my comments
12 is that I did see the good, the bad, and the ugly in the
13 tour yesterday. But I would like to qualify that in a
14 way. There is a lot of good, a lot more good than the
15 bad and the ugly.

16 And if you look as a whole at our resource
17 area, there are some areas out there that maybe some of
18 you haven't seen, and I invite you to go out there and
19 look at them. They are very good. And overall, we have
20 got a lot more good than we do the other things. And I
21 would say on -- just guessing off the top of my head,
22 it's more or less like 75 percent of the good is out
23 there. We have got a little bit more to work on. And
24 that's what we want your help and our staff's help, and
25 to support our staff to do that job right.

1 One last -- one other thing I want to follow up
2 on, on the movie, 20th Century Fox, it's coming up
3 pretty soon. Be looking out for it. It kind of
4 highlights a very important area out here in the desert,
5 the Trona Pinnacles.

6 If some of you, before you go home, get a
7 chance to go out there and take a look at it, go out
8 there. 20th Century Fox did a lot of work out there to
9 do some restoration. And we applauded them. And our
10 staff and myself presented them with a plaque in
11 appreciation for some of the restoration work that they
12 did in there together with the movie that they produced
13 out there. It brought millions into this community.
14 And I am looking for another opportunity.

15 The last thing that I want to mention here is
16 last -- if my memory serves me right, last meeting, I
17 had -- usually give a report card or kind of a score on
18 the burros. And it's very important to, I think, the
19 District Advisory Council on how we are doing with our
20 burro and wild horse management.

21 And I usually just rattle off the numbers off
22 the top of my head as I know them: The number of
23 animals that have been captured, the number that have
24 been adopted, and the number that we are caring for.

25 I would like to ask Dave Sjaastad, a member of

1 my staff, to give you a better picture of those numbers
2 and what the management numbers really mean. I gave you
3 just numbers last time. And that really wasn't very
4 meaningful for some of you.

5 I would like to put those numbers in
6 perspective -- the perspective of the management that we
7 are trying to achieve out there and the goals that we
8 are trying to achieve. So if -- Dave, he can give you a
9 little five-minute presentation on how we are doing with
10 the wild horses and the burros. And then he will have
11 some report to hand out to the District Advisory Council
12 as a result of his presentation, if that's okay.

13 CHAIRPERSON ANDERSON: Brevity is appreciated,
14 since we are running behind.

15 DAVE SJAASTAD: We will sure try to do that.

16 CHAIRPERSON ANDERSON: Did you have a question?

17 COUNCIL MEMBER KEMPER: Hector, the last time
18 that we had a meeting in relation to burros, we had
19 asked that when we talked about management of herds,
20 that we would talk about percentages of removals, rather
21 than total numbers?

22 HECTOR VILLALOBOS: Yes, that's correct. And I
23 am hoping that we are able to put some idea -- give you
24 some idea of what the percentages are relative to the
25 kind of management numbers and goals that we want to

1 achieve out there. I hope it's a little bit more
2 meaningful than it was last time. If it's not, we will
3 strive to give you some more meaningful information.

4 COUNCIL MEMBER KEMPER: Thank you, Hector.

5 DAVE SJAASTAD: Okay. The three handouts that
6 I have just given out hopefully will cover -- I am
7 afraid if I use this, you guys might have to put ear
8 plugs in. Let me know if anybody cannot hear me.

9 The three handouts that I have given to the
10 board are also on the back table for any of the audience
11 interested in seeing them. One of the handouts is a
12 nine-page document that summarizes the Wild Horse and
13 Burro Act, summarizes the significance of the Wild Horse
14 and Burro Act, and the desert district that we have.

15 It talks about the 17 different herd management
16 areas that we have. It talks about the acreage, the
17 herd management number, and various issues that are
18 challenging us in each of those herd management areas.

19 I handed out another, I think, a real pertinent
20 document for you folks. It lists all the herd
21 management areas. It lists the herd, appropriate
22 management level. It lists the last time we did
23 removals. And if you can see on this paper, we did many
24 removals in the last few years and this year.

25 It lists the estimated present population

1 that's out there after the last removal to date. And it
2 lists what we believe is the excess or the deficit and
3 the estimated year, fiscal year, we hope to be down to
4 AML.

5 So a lot of information on it. There is a
6 little bit of an explanation on the back on some of the
7 footnotes. But I hope this hits to where you guys are
8 interested in. Where are we at with our removal? And
9 we are doing very good.

10 We have removed about 622 animals so far this
11 year, just the BLM. The last document, before I forget
12 to mention it, is our fiscal year 2001 annual operating
13 plan. This is an operating plan that we put together
14 each year with part of the desert manager's group to try
15 and get a handle on the burro population and wild horse
16 and burro management in general.

17 And it goes through the different action plans
18 that we are doing this year. I would like to say that
19 we are right on target with our removals. We are right
20 on target with our population census that we are trying
21 to do.

22 We have -- we are doing a lot of work with
23 California Fish and Game down in the Picacio Chocolate
24 Mules area. We have 16 burros, radial collared, trying
25 to track their movements. There is a lot of concern

1 about the burros that are hanging along the river.

2 Do they ever use the desert? Are the burros in
3 the desert? Are they going down to the river, causing
4 continued damage?

5 So what -- we are working with Cal Fish and
6 Game to radial collar a total of 25 burros and track
7 them over five years to determine their migration routes
8 to see if by making some improvement or doing some
9 management work in one area, does that affect another
10 area? And how will that affect? Or if we remove burros
11 in one area, how does that affect these other areas?

12 We know burros that move 35 miles in a couple
13 of days just in their roaming. So burros do have a
14 tendency to move much more than horses. So the three
15 documents that I handed out, I sincerely hope that
16 answers everybody's questions.

17 If you have any other questions, please contact
18 me. We mess around with a lot of numbers. We have, I
19 think, 620 animals up in our corral facility. So far
20 this year, we have had 40 births at our facility. And
21 we have a lot of burros, if anybody is interested in
22 adopting. We always have one for you.

23 That's pretty much it in a nutshell. I don't
24 want to necessarily go over this; because it will just
25 be redundant. You guys can read it at your leisure.

1 And I am here and available to answer any questions.

2 CHAIRPERSON ANDERSON: Any questions for him?

3 Yes.

4 COUNCIL MEMBER KEMPER: Actually, at our last

5 meeting, we believe had an action item asking the burro

6 be looked at, allowing public lands ranchers to

7 participate in the burro removal program in a passive

8 fashion.

9 Most of us have water traps on our ranches and

10 stuff. We have the ability to on a yearly basis catch

11 up burros in water traps. And the bureau can certainly

12 pick them up and take them to the facility. And it

13 would be an economic savings to the bureau and a benefit

14 to the public lands, as well.

15 DAVE SJAASTAD: You are exactly right. And we

16 have a number of what we call cooperative agreements

17 with ranchers that do use their water, their livestock

18 water locations, as traps for burros.

19 We are doing that in the eastern -- the western

20 portion of the Clark Mountains. We do that routinely

21 along the area along the Colorado River, and Blythe. We

22 work with the Chemehuevi Indians. And they are water

23 trapping down in their residential sites, and give us a

24 call when they capture a burro.

25 So we do that desert wide. We are interested

1 in any rancher that would be willing to help us out. We
2 set up a cooperative agreement, and we work it out.

3 COUNCIL MEMBER KEMPER: Thank you very much.

4 AUDIENCE: I would just -- sorry.

5 COUNCIL MEMBER RISTER: One question that I
6 have on the Chocolate Mule Mountain burro population.
7 Do your capture numbers and your excess deficit reflect
8 the most recent bighorn sheep survey that Nancy Andrew,
9 the biologist for Fish and Game in that area, where 99
10 burros were counted in the Indian Pass Wilderness on the
11 last sheep survey?

12 DAVE SJAASTAD: When was that done?

13 COUNCIL MEMBER RISTER: That was done I believe
14 last October.

15 DAVE SJAASTAD: Last October.

16 COUNCIL MEMBER RISTER: We are just getting
17 ready to conduct our annual survey. Last year, we
18 counted 99 in sheep territory. And I was just
19 wondering: Do those numbers reflect the removal and the
20 deficit, or was that not entered into the --

21 DAVE SJAASTAD: It should be. These numbers
22 are as of our last gather down there, which we did, I
23 believe, in April --

24 COUNCIL MEMBER RISTER: Yes.

25 DAVE SJAASTAD: -- this year. We are working

1 with the local BLM offices on both sides of the river to
2 institute a population census. We did a population
3 census about four years ago. We did hit a lot of
4 positive response based on that population census.

5 It didn't come up with the numbers that many
6 people thought were out there. So we are working with
7 California Fish and Game and the local interests. In
8 fact, we are interested in inviting Leon Lessica to be
9 in the helicopter to help us count.

10 And we do have funds this year. And we are
11 planning before September to do a full-scale count in
12 both the Picacio/Chocolate Mule area to really get a
13 handle on the number that everybody can agree to;
14 because everybody will participate in getting that
15 number.

16 COUNCIL MEMBER RISTER: Thank you.

17 HECTOR VILLALOBOS: Dave, thank you very much
18 for bailing me out on this thing here. I appreciate it.
19 And my thanks to you. I am going to give you this hat
20 here. It's says "Ridgecrest Field Office." It's got a
21 little burro on there.

22 DAVE SJAASTAD: All right.

23 COUNCIL MEMBER ELLIS: Hector, just a moment,
24 please. I think at the last meeting, I had asked that
25 when the field managers do their reports, that we are

1 sure to be updated on any new activity with respect to
2 power line, pipeline, gas line, and power plant
3 activities in your area.

4 So I am hoping you and the other managers could
5 just give a little quick update of any news or
6 applications on that.

7 HECTOR VILLALOBOS: We don't have any new ones,
8 other than the ones that were already proposed some time
9 ago, which I think were reviewed at the last meeting.
10 There was a proposal for a wind farm in the eastern
11 Sierras with a power line connecting to a TWP power line
12 along the -- in the Rudnick and the Jawbone Canyon
13 areas. That's been under review -- still continues to
14 be under review under CEQA and NEPA. But we are not
15 going to do NEPA -- find out from CEQA.

16 The other proposal was for a sort of a defunct
17 wind farm area down in the Tehachapis area, south of --
18 just south of Highway 58 and 14, in and around that
19 area.

20 There is an old BLM lease that has some
21 interest in it from other interest groups. And I think
22 the California Energy Department, I believe, is offering
23 a grant on that. But I don't think it's been worked out
24 yet.

25 There are some -- not controversy -- some legal

1 regulatory issues that we have to address with the
2 previous lessee out there. And I haven't heard anything
3 else. But there has been some renewed interest in the
4 geothermal area in the Coso area.

5 But I haven't seen anything with regard to
6 proposals. But I know it's being visited. There may be
7 the potential for a couple of permit-to-drill
8 applications being made to -- with the military and the
9 BLM.

10 COUNCIL MEMBER ELLIS: Thank you.

11 COUNCIL MEMBER LEIMGRUBER: Hector, you had
12 stated a little interest in geothermal exploration.
13 Would you be a little more specific in the particular
14 areas in which that has been proposed?

15 HECTOR VILLALOBOS: I am not up to date. But
16 there is geothermal production occurring on the military
17 reservation of China Lake. I don't have the numbers off
18 the top of my head. But I can certainly make a report
19 for you next time.

20 We do have some production. There are federal
21 leases that are producing, from geothermal leases in
22 there. There also is other leases that are associated
23 with the Navy. The Navy has some benefits from the
24 geothermal production in that area from the power
25 generation that occurs.

1 And I can get a more better report for you in
2 the future on that and maybe give you a better update on
3 what potential development might occur.

4 COUNCIL MEMBER LEIMGRUBER: In our September
5 meeting, Hector, that would be appropriate.

6 HECTOR VILLALOBOS: Okay. Thank you.

7 COUNCIL MEMBER MC QUISTON: Madam Chair, if I
8 may, I may have a partial answer to this. My office has
9 been working with the Department of the Navy. There is
10 an existing 260-watt geothermal facility located on Navy
11 property up in the Cosos. It's been in operation about
12 ten years.

13 They have some financial arrangements. The
14 local Navy base gets a discount on the utility rate.
15 They have saved a little over \$30 million in the ten
16 years that it's been up and running. Plus, the
17 Department of the Navy receives some royalties -- I
18 think it's over \$150 million over the ten-year period --
19 that they turn around then and reinvest in energy
20 efficiency upgrades throughout other Navy activities.

21 There is the thought that there is additional
22 potential for development. They are looking for some
23 funds to do some test wells in order to quantify the
24 nature of the resource. Clearly, there is a lot of
25 interest from my personal perspective, I think from the

1 Navy's.

2 If the California energy problem ultimately is
3 one of supply and demand, in terms of production of
4 electricity, this is a very clean operation. It's a
5 closed-loop system. Wells on site are injected into hot
6 rock formations. And the only thing that goes up into
7 the air is water vapor.

8 And the potential for geothermal in the eastern
9 Sierra appears to be fairly high. We have to continue
10 development of -- on the supply side in the Central San
11 Joaquin Valley, where there is already -- I think they
12 are going to be going to a severe non-attainment here
13 before too long.

14 A lot of interest. We did have Senator
15 Feinstein's Central Valley Director here for a tour two
16 or three weeks ago, to tour the site. And there is a
17 lot of interest been expressed by Congressman Thomas. I
18 understand that in the defense supplemental write-up
19 that Congressman Lewis may be asking for some dollars to
20 do the additional drilling to quantify and characterize
21 what the development potential may be.

22 And I would be happy to provide a follow-up
23 report at our next meeting, or perhaps if it's the
24 pleasure of this committee here, perhaps somebody from
25 the local Department of the Navy may give a -- give an

1 update on that. But there is interest. There is -- in
2 expanding the capability. And there is a current
3 production facility that's been up and operational for
4 ten years.

5 HECTOR VILLALOBOS: Yeah. Back in my past,
6 when I was working for the U.S. Geological Survey,
7 probably around twenty-some-odd years ago, I was
8 involved in making some determinations in that neck of
9 the woods, which were called known geothermal resource
10 areas. And the areas were delineated and areas were
11 leased.

12 This was one area that the Navy and the federal
13 government had to enter into a cooperative agreement
14 because of the property being on Navy. And I believe
15 some of the properties and leases out there are also
16 owned by the Navy. So there is federal and Navy leases
17 and maybe some other private leases.

18 But what I can do for you next time is give you
19 a better picture of what that whole lease development is
20 about. In our staff, we have a geothermal production
21 engineer basically who is monitoring royalty production
22 out there for the Bureau of Land Management.

23 And him and the Navy can get together probably.
24 And I will draw from their knowledge and see what we
25 can -- what more information we will be able to provide

1 for you.

2 COUNCIL MEMBER MC QUISTON: Roy reminded me, I
3 made a misquote. I said a 260-watt facility. It's a
4 260-megawatt facility. Slight difference. It's greater
5 than two three-way light bulbs.

6 HECTOR VILLALOBOS: It would be nice to be able
7 to get that power and harness it and just power
8 Ridgecrest with it. And then we won't have to worry
9 about the other companies out there.

10 COUNCIL MEMBER BETTERLY: That's more than
11 enough power for Ridgecrest.

12 HECTOR VILLALOBOS: Okay. If there are no more
13 questions, I will move off the floor. Thank you.

14 CHAIRPERSON ANDERSON: Molly, under the
15 beautiful Needles district, would you like to give a
16 report?

17 MOLLY BRADY: Thank you, Ilene. Actually, I
18 didn't even recognize my name. Can everybody hear me?
19 Okay.

20 I am going to give you these copies of the
21 report. I just would like to say I didn't get it in
22 early. And, in fact, I printed it off last night at
23 7:30 before I left Needles to drive here.

24 We have a public directory. And I said to the
25 staff a couple weeks ago, I said, go in and put

1 something in there. Now, I haven't read it. For all I
2 know, it is precisely the same as it was last time. And
3 I am not working off of that document.

4 So I apologize for that. But I would like to
5 state that we have been exceptionally busy. You have
6 all been hearing that. And that made it difficult for
7 me, because I wasn't able to go on the tour yesterday.
8 And I really wanted to go on this tour.

9 And I so agree with Ron Schiller that it's
10 not -- we always have you look at the good, the bad, and
11 the ugly. Okay. So you are seeing sometimes a lot of
12 that bad stuff. And there is an awful lot of good stuff
13 out there. And I really appreciate going out on these
14 trips. And, really, sorry I missed it.

15 But I do have -- yesterday was an interesting
16 day. We did get our -- we got four appeals on the
17 grazing decisions that I wrote. And so I had to pull
18 together a lot of material for the case file and for
19 getting it to the judge.

20 It required, you know, immediate action. You
21 have to do it. And unfortunately, I have -- my range
22 con is in London, England, on vacation. I do let them
23 out on occasion. And so I had to call her yesterday
24 morning, talk to her about certain things.

25 So it was a wild day. And I got here quite

1 late last night, after midnight. And so I may not be
2 totally coherent.

3 First, I would like to state that I came in a
4 bit late this morning, and I came in on the discussion
5 about the October meeting. I would like to say that as
6 the federal representative at that meeting, I take full
7 responsibility for the fact that those minutes are not
8 accurate. And I certainly have already talked to Roy.
9 I would like to look into that more thoroughly.

10 But another thing I think that's important.
11 And Dennis, you mentioned that -- and mentioned the fact
12 that this -- and others mentioned the fact that this
13 group is a very important group. It's been mandated by
14 Congress. And that sometimes you feel that we don't
15 take you entirely seriously, or we just have these
16 meetings.

17 And sometimes that perception is very strongly
18 reinforced by some of the things that happen or don't
19 happen or commitments that we make and aren't kept. I
20 would just like to say -- and I know this may sound a
21 bit defensive. But -- and let me turn around and say,
22 on the other hand, I couldn't agree with you more. I
23 could not agree with you more.

24 And I would support, and I know all the
25 managers would support, our having an employee, a staff

1 person, who would help nurture this group, would do the
2 follow-up, provide the staff work, so we can get this
3 done.

4 And, in fact, in our new organization with the
5 district, we have identified such a position. Whether
6 we will get it or not, I am not sure. But it's
7 absolutely essential. To make it meaningful, we have
8 got to have the resources to support it.

9 And in this case, I think the problem was that
10 we just don't have those resources, and we are not able
11 to do what we are supposed to do. And it hurts us. We
12 get mad a lot. I feel quite beat up. This isn't
13 unusual. We get beat up at every meeting. That's the
14 nature of the BLM.

15 We have to provide for multiple use. And we
16 don't -- we are going to get it from one side -- one end
17 or the other all the time.

18 I would like to say one thing about the October
19 meeting. We did make a big difference. I didn't think
20 we would. When I say "we," the council, in its vote for
21 the extension of time for review on the Cadiz project.
22 It came in very, very useful.

23 There was a lot of pressure not to extend that
24 comment period. And actually it was very convincing to
25 have that council unanimous vote to extend that comment

1 period. So that was very useful. And I would like to
2 say that your input is at times very helpful.

3 On Cadiz -- as long as I moved into that -- the
4 Cadiz project is still -- we are working on the final
5 environmental impact statement, still working on the
6 monitoring and management plan. Again, we took into
7 account the public comments.

8 It will be a very strong monitoring and
9 management plan. And it will also provide for full
10 authority for the Bureau of Land Management to make
11 final decisions with respect to monitoring to ensure
12 that project is not adversely affecting any of the
13 critical resources in the desert.

14 Another comment I would like to make, based on
15 what you were talking about here, is the NEMO and the
16 NECO public meetings. I have attended two of the NEMO
17 meetings recently. One thing that's very evident is
18 that folks are very frustrated -- it's been reflected
19 here -- about their opportunity to give public input.

20 So in some respects, I do challenge you as a
21 council, if you could provide us with some very
22 thoughtful input into how we can more effectively
23 involve the public. We are very supportive of having
24 public input. It's very difficult going to a public
25 meeting, often just results in people venting their

1 frustration and not really being able to give
2 substantive input.

3 Writing a letter is also a little impersonal.
4 You write a letter. You don't hear anything until the
5 final comes out. So if we could work on that, also; and
6 I challenge you to help us in that.

7 On NEMO, some folks have made the comment that
8 we are not doing all of the route designation, whereas
9 we are doing it in other planning efforts. And we are
10 saying that the CDCA plan mandates us to do that. Well,
11 in fact, the CDCA plan does mandate us to make route
12 designations. I have been working on it a long time
13 personally.

14 The reason in the NEMO planning area that we
15 are only looking at the areas that are being considered
16 for tortoise conservation is that we don't have full
17 confidence in our inventory of routes in that area. So
18 we are going to continue working on inventory.

19 We will come back and do a plan amendment to
20 address route designation on the remaining 900,000,
21 approximately 900,000, acres that have not had route
22 designation. And any questions you might have about
23 that, I would be happy to entertain.

24 A project that's not mentioned in your notes, I
25 am sure, is we are looking at two big game guzzlers in

1 the Sheep Hole Wilderness Area at the request of the
2 California Department of Fish and Game. That will be
3 rather controversial.

4 I anticipate there has been -- as far as I
5 know, since the passage or the designation of
6 Wilderness, since the designation of -- since the
7 Wilderness Act, there has only been one, and this was in
8 Arizona, new development put in after the designation of
9 Wilderness.

10 We did put a development in, in the Sheep
11 Holes, when it was a WSA, but after the designation. So
12 this should be rather interesting. I expect the EA to
13 be out later this summer on that project, but probably
14 not until October, being realistic on our time frames
15 these days.

16 We also are working a lot with -- this is
17 another one that's probably not in your report. We are
18 working with the Corps of Engineers on identifying sites
19 and cleaning up sites that have unexploded ordnance.
20 Our focus is on Camp Ivis. I may have mentioned that at
21 the last meeting.

22 But there is a -- there is a strategy by the
23 Corps on behalf of the services to do a very aggressive
24 review of all unexploded ordnance areas. We have quite
25 a few that they have identified that we didn't know

1 anything about. So we are learning a lot about
2 unexploded ordnance sites and caches that are buried.
3 And sometimes they have been discovered by people out
4 there with their equipment looking for metal, detection
5 equipment.

6 I have a lot of things I would like to say.
7 But I know we want to keep it short. I want to move to
8 questions, if there is any questions about projects or
9 anything else.

10 COUNCIL MEMBER DENNER: Molly, on the Cadiz
11 water storage project, I thought I heard somebody say
12 that there is some kind of legal action taking place
13 regarding that project. Is that just rumor, or --

14 MOLLY BRADY: Well, it hasn't occurred yet, as
15 far as I know. But there has been very definite
16 statements made in public meetings by various interests
17 that they are going to challenge this project.

18 COUNCIL MEMBER DENNER: Can you tell us what
19 interest groups are challenging the project?

20 MOLLY BRADY: Because it's part of a public
21 record, I will just say that the Western Environmental
22 Law Center has said that they are -- they intend to
23 challenge it. However, they have not seen the final
24 with respect to the monitoring management plan.

25 And I am hoping that it will be satisfactory.

1 I think it is a very strong and very adequate plan for
2 ensuring that -- the protection of the water resources
3 in the deserts.

4 COUNCIL MEMBER DENNER: That's the timetable on
5 that. When are you likely to know if the plan is going
6 to be challenged?

7 MOLLY BRADY: We wouldn't know if it was
8 challenged until after the decision was made. So, you
9 know, in -- they probably go through an appeal period.
10 They would probably appeal it first. It would be a long
11 period of time.

12 Our schedule right now is to see that out by
13 the end of the summer. It will probably be out, final
14 will be out, probably right before -- probably right
15 before your next meeting. So there won't be an
16 opportunity for everybody to review it before the
17 meeting.

18 But it will probably be out then. It goes for
19 a 30-day review. There will be a meeting of the
20 Metropolitan Water Board. They have to certify the EIS.
21 We would then have a -- during the final -- between the
22 final EIS on the project and the record of decision, we
23 have a protest period.

24 Because there is also a plan amendment. There
25 is all kinds of other, "if this, then that," with

1 respect to things that could hold it up if we had a
2 protest.

3 COUNCIL MEMBER DENNER: Madam Chairman, I would
4 like to request that some of us put a lot of time
5 looking into that program. And I would like to request
6 that it be an agenda item for the next meeting, so we
7 can see what the status of that is.

8 COUNCIL MEMBER ELLIS: Molly, do you have
9 anything on the utility and power line projects in your
10 area?

11 MOLLY BRADY: Yes. And thank you for reminding
12 me of that. The one big one that we have is the Kern
13 River expansion. It's -- the Williams Corporation has
14 proposed to do an expansion. It's really to increase
15 the capacity of the delivery of natural gas to
16 California.

17 It comes from Wyoming through four states:
18 Wyoming, Utah, Nevada, and California. They are moving
19 on a very fast track. The lead on the environmental
20 documentation is probably going to be FERC. However, we
21 would be cooperators on that. We are looking at a new
22 line, looping a new line, through the California desert
23 adjacent to the existing line.

24 In some cases -- in most cases, it will remain
25 within the area that was analyzed in 1990, when the Kern

1 River -- the Mojave Kern River was initially put in. We
2 have a lot of environmental documentation already in
3 place which enables us to in expedite consideration.
4 It's not all new information. However, there are some
5 areas where it will be going out of the existing area
6 and will require more, a closer look.

7 COUNCIL MEMBER BETTERLY: Present right-of-way.

8 MOLLY BRADY: Most of it is. Well, it's been
9 the present right. It's certainly an area that was
10 examined. I would have to look at right-of-way.

11 COUNCIL MEMBER RISTER: In regards to the EEA
12 that you will be developing for the two guzzlers and the
13 sheep holes, isn't it true that under the Sheep Hole
14 Wilderness designation of the 1994 Desert Protection
15 Act, California Fish and Game had specific language in
16 the law that they could go in and build guzzlers in
17 certain conditions such as the death of sheep, which is
18 occurring, bighorn sheep are dying in the sheep holes
19 and need that water?

20 MOLLY BRADY: The language -- and I probably
21 ought to defer to Tim on the exact language -- has to do
22 with their being allowed to enter and maintain those
23 facilities.

24 COUNCIL MEMBER RISTER: Or develop water
25 sources if existing --

1 MOLLY BRADY: And vehicles.

2 COUNCIL MEMBER RISTER: If existing water is
3 deleted and sheep are dying, additional guzzlers can be
4 developed?

5 MOLLY BRADY: I would have to go back and look
6 at the specific language.

7 TIM READ: I believe it's limited to
8 maintenance. We continue to believe that whatever the
9 issues are, that we can work through them in some way,
10 about water necessarily within the wilderness or
11 adjacent to wilderness.

12 MOLLY BRADY: I should say that there was --
13 there were some sheep died last year because of the
14 failure in the sheep holes of one of the guzzlers. It
15 dried up. It was extremely dry last year. It's very
16 wet now.

17 And what we have committed to do is to monitor
18 closely those existing waters and to refill them using
19 helicopters if they get dry this summer. Right now, we
20 are looking real good. Fish and Game is talking about
21 putting in solar monitors, so we don't have to go in to
22 do the monitoring as frequently.

23 Actually, we haven't been going in as much as
24 we probably need to. That's why it dried up last
25 summer. So this way, it should help us in monitoring

1 and -- with Fish and Game in monitoring those
2 developments.

3 COUNCIL MEMBER ELLIS: Molly, quick comment on
4 the Kern River pipeline issue. It's my understanding
5 that the -- I don't know if it was the same company that
6 put the original line in. But there were some
7 difficulties with their agreements with respect to
8 cleaning up and environmental agreements on that first
9 construction. I hope the new one will take some
10 understanding of prior problems.

11 MOLLY BRADY: And I appreciate your concerns.
12 I think that since 1991, we did have a lot of problems.
13 And we really are having much stronger monitoring
14 requirements during construction and in follow-up
15 because of that and other projects where we have had
16 problems.

17 CHAIRPERSON ANDERSON: Great. Thank you very
18 much, Molly.

19 Tim Read? Tim Read. Any other things you
20 would like to add?

21 TIM READ: Madam Chairman, council members,
22 thank you for the opportunity to talk about one of my
23 favorite subjects, which is the Barstow field office.

24 In my report, I have talked about the weed
25 control that we are doing, cultural resources, the

1 building that we have restored out in the Amargosa
2 Valley, the trail system we have done along the
3 Amargosa, and also the work that we have done at the
4 entrance road to Dumont Dunes.

5 What Sherry mentioned, we had a little
6 conflict, and we were able to work that through. Also
7 talked about the volunteer projects that we have done in
8 desert clean-up. One of the gentlemen had familiarity
9 with the statistics, hundred tons of trash with over 475
10 volunteers just this spring.

11 In terms of your question, Bob, we do have --
12 the Kern River line also goes through the Barstow field
13 office jurisdiction. And we also have a meeting on
14 Monday about the gas line that will connect -- request
15 for a gas line that will go from the Kramer Corner area
16 down to Adelanto. There is others that are rumors, but
17 no real firm applications or anything on those at this
18 time.

19 So I guess with that, if there are any
20 questions that you might have about the things that we
21 are doing, I would be happy to try to answer them.

22 CHAIRPERSON ANDERSON: Thank you.

23 COUNCIL MEMBER KEMPER: Maybe one question.
24 Just want to -- you have been doing some -- tortoise
25 counting area. And do you have any report on that?

1 TIM READ: It's line distance sampling. It's
2 part of what we are doing with the desert manager's
3 group. And it's -- reports are very preliminary. But
4 one of the reports that I have here, one of the elements
5 of the report that I am aware of, is that we are finding
6 more carcasses than live animals.

7 COUNCIL MEMBER KEMPER: Is there any conclusion
8 to be drawn from that? These are whole carcasses,
9 not -- they haven't been predatorized?

10 TIM READ: I wasn't able to question the
11 reviewers, the investigators.

12 DISTRICT MANAGER SALT: I just want to point
13 out that the line distance sampling methodology, you
14 know, the information that you gather the first year is
15 really not all that meaningful. It's more for measuring
16 trends than for measuring actual populations.

17 So, you know, while we are discouraged by the
18 preliminary, you know, results we are seeing, we have
19 got to be careful not to read too much into that.
20 Because the methodology is intended to measure trends
21 rather than actual numbers.

22 CHAIRPERSON ANDERSON: Jim from South Coast, if
23 you are ready. Thank you for your report.

24 JIM KENNA: Madam Chairman and council members,
25 I will try to be brief. Basically, I am going to call

1 your attention to three things, the first of which is
2 the plan amendments which have been discussed in some
3 detail.

4 We are working on five of them. Four of the
5 five are joint with local jurisdictions, meaning that
6 they are also amending their joint -- their general plan
7 in coordination with BLM so that the two plans make
8 sense together. Three of the five are in South Coast,
9 in amending our South Coast Plan, rather than in the
10 California desert.

11 The two that are in the California deserts are
12 the Coachella Valley Plan, which I have talked about
13 previously, and the NECO Plan. The Coachella Valley
14 Plan is in discussions now with Fish and Wildlife
15 Service -- between local jurisdictions and the service.

16 And the target is to have a plan that will meet
17 both our Section 7 Endangered Species Act requirement,
18 but also the local jurisdiction's obligations under
19 the -- for a 10-A permit, and have a draft on that early
20 in the fall.

21 The second thing that I was going to mention
22 is, we previously talked to the council on the National
23 Monument Law that has been passed affecting the San
24 Jacinto and Santa Rosa Mountains. We recently got
25 approval from the Secretary of the Interior. And the

1 announcement requesting nominations for the advisory
2 committee is now out.

3 I have been working with the local
4 jurisdictions, who all have positions on the council.
5 And we look forward to seeing the council come together.

6 Finally, the last thing that -- actually was
7 alluded to, we were selected to host the National Lands
8 and Realty and Minerals Conference for the Bureau of
9 Land Management. So we had some 350 lands and minerals
10 professionals and surveyors in Palm Springs this last
11 week. And it's been a pretty busy week.

12 I did want to touch on a couple of things. The
13 two -- one of the two areas that I thought received an
14 awful lot of attention. And they are both very
15 important. One was community infrastructure. Talking
16 about some of the issues -- it's come up here: Power
17 projects, rights-of-way, the fiberoptic lines, and water
18 lines, gas lines, those sorts of issues and projects.

19 We also -- one of the things, the reasons they
20 wanted to come to Palm Springs is to look at some of the
21 alternative energy things that are going on there. And
22 they did get an opportunity to see some of what's going
23 on with the wind energy. Palm Springs sort of has
24 everything from the very inception of the wind energy
25 concepts to the most modern stuff that's out there.

1 Then the second area that I wanted to mention
2 was exchanges, particularly in the Coachella Valley Plan
3 and the South Coast Plans. We are looking at what is
4 probably going to be the last opportunity if we are
5 going to do any adjustments on what public land and open
6 space is going to be. That's something that we are
7 looking at in all those plans.

8 And "exchange" on a national level are
9 receiving a great deal of attention -- which brings me
10 full circle back to the community-based plans, which is
11 how we are approaching that.

12 And, lastly, in response to your question on
13 energy projects, most of them I think have been
14 discussed before. But I will just tick off some of them
15 and give an update on those that have a status item.

16 The Baja project, we are working with El
17 Centro. And Greg will talk about that. We do have the
18 IID power line project, Blythe and Island Project. On
19 that project, we have completed the scoping. And it's
20 back with the company. And their engineers are working
21 on a response to the scoping project -- on the project.

22 The Cal-Pine proposal with the Torres Martinez
23 tribe, I signed just this week the agreement to be a
24 cooperator in the environmental impact statement. And
25 we will -- the lead agency on that would be the Bureau

1 of Indian Affairs.

2 We do have some South Coast projects that are
3 fairly major: The Valley Rainbow Project, a
4 transmission project to connect the San Diego County and
5 Riverside -- West Riverside County. That will be a
6 fairly major project.

7 We have a number of wind upgrades, generally
8 speaking. I think this is sort of a win-win for most
9 folks, in the sense that the new, more modern
10 technology -- it takes -- one windmill will replace
11 about six or seven. So, environmentally, I think it's
12 also a positive. We have a -- the Marks Technology
13 Project schedule meeting on that project is next week.

14 And on oil and gas -- and most of this is in
15 Los Angeles county, not in the desert -- we do have sort
16 of sundry notices on shut-ins, and one new well probably
17 going in this fall will be in an existing and old field.
18 I don't think there are major issues there.

19 Questions?

20 CHAIRPERSON ANDERSON: Thank you.

21 And Greg, El Centro, last but not least.

22 GREG THOMPSON: Morning. I have three items I
23 would like to read for the council on. And, also, it's
24 always nice to come back and visit the Ridgecrest area.

25 Monitoring: I have got a number of monitoring

1 efforts. The flat tail horn lizard. There is an
2 increasing amount of monitoring as per the inter-agency
3 conservation agreement that was signed a few years ago
4 to try and better protect the species. Some of the
5 things, we are going to mapping distribution of species
6 as well as monitoring the level of impacts occurring to
7 flat-tailed habitat in various management areas.

8 In addition, we are certainly increasing our
9 efforts in the Imperial Sand Dunes, primarily river
10 plants, reptiles, and recreation use. This is partly to
11 be used as baseline information for updating the
12 management plan for the dunes, but also for our ongoing
13 management as well as the state OHV grant requirements
14 require more monitoring these days.

15 Like I say, the three main areas that we are
16 emphasizing -- there are several other. One is rare
17 plants. We are continuing the annual monitoring of
18 several rare plants in the area. We are just finishing
19 up this year's effort.

20 Under reptiles, the main one right now is
21 fringe-toed lizards, a different lizard. And we are
22 using that as a good indicator species of other reptiles
23 in the dunes.

24 We just completed our first set of transects
25 over the last months. And we will be doing some more of

1 those this fall.

2 And then the last monitoring I would like to
3 mention for the sand dunes is recreation use monitoring.
4 We have replaced our vehicle counters for the -- out at
5 the dunes, because we know we were not -- we were
6 concerned we weren't getting accurate visitor counts any
7 more. And we are also going to be GPS'g staging and
8 camping areas.

9 The second item is the Eastern San Diego
10 Management Plan. BLM-wide around the country, one of
11 the top priorities this year and for the next several
12 years is updating land use plans. At the last meeting,
13 we talked about updating the Sand Dunes plan.

14 One of the other ones that we are working on is
15 the Eastern San Diego County Plan. It covers about a
16 hundred thousand acres. It was written in the early
17 1980s, that there has been changes to things like
18 endangered species, wilderness, recreation use. That
19 will also be on the document.

20 The final thing other than energy I wanted to
21 mention, the Millennium Conference -- and this is
22 following up on Eric Dones' request we provide updates
23 on what the Desert Manager's Group activities are. The
24 Desert Manager's Group is inter-agency federal and state
25 managers from -- that manage California deserts.

1 The Millennium Conference was a first ever
2 conference held in Barstow in May to sort of pull
3 together all the existing information on historic,
4 prehistoric, and paleontological resources.

5 You never know what the first conference -- if
6 you are going to break even on the budget or get anybody
7 to show up. So we were glad that the turn-out was
8 better than we had hoped for. We had something like 60
9 professional papers presented, and there were over 300
10 participants in the audience, general public,
11 universities, agencies, museums.

12 So we were glad -- it really went beyond our
13 expectations. One of the keynote speakers was Huell
14 Hauser. A lot of you know him from TV's "California
15 Gold." He was real entertaining one night. That was
16 the first conference.

17 Like I say, now we need to decide, where do we
18 go from here? So we need to just have a nice conference
19 and move on to the next item. Next week, at the meeting
20 of the Desert Manager's Group, we are going to be
21 talking about what we learned and how to proceed with
22 such as publishing the proceedings.

23 I know a lot of people are already saying:
24 When is the next conference? We are looking at ways to
25 increase public awareness of these resources. The

1 California deserts have a wealth of cultural and
2 paleontological resources, and we need to come up with
3 better ways to protect it.

4 Following up on Bob's request on energy
5 projects, this is a news release that went out on June
6 13th. Probably the main one we are working on that Jim
7 mentioned is the North Baja natural gas pipeline. This
8 news release is on our BLM home web page. It's seeking
9 public comment on proposed amendments to management
10 plans for this pipeline project.

11 It would initially require amendment to not
12 only the California Desert Plan but the Yuma Resource
13 Management Plan. The Yuma BLM manages the corridor
14 along the Colorado River. The comment period on this
15 part of it is up until July 5th.

16 And I would like to mention on energy, I have
17 been in the last few weeks at a couple of meetings where
18 there was BLM'ers from all the states and the Washington
19 office. And certainly energy projects are a hot topic
20 around the BLM, both not only where we are potentially
21 looking at power generation, but also power
22 transmission. A number of the projects have national
23 energy impact as the lead on the impact statements.

24 Beyond that, Wally had asked about geothermal.
25 My understanding is our state office has received a

1 number of geothermal lease applications, new
2 applications, for the Imperial Valley. We really don't
3 know where they are all are yet. But those are things
4 we are working with the county and others on.

5 COUNCIL MEMBER LEIMGRUBER: Thank you, Greg.

6 Madam Chair, just for the audience, just a
7 little history on the Northern Baja pipeline. There is
8 two proposed plants to be built in Mexico. And we are
9 looking at even a third coal-fired plant.

10 What these plants will do is generate
11 electricity. And the Semptra plant, we know, does not
12 have any southern transmission lines. These lines are
13 all northernly. This 30-inch pipeline will be coming
14 across the eastern portion of our county. The fuel will
15 be going into Mexico, the trans -- the electricity
16 produced, and then the electricity transported north.

17 We have been in contact with Semptra. We have
18 expressed to them some of the regional air quality
19 measures which they have proposed to place in their
20 plants.

21 A couple of questions have come up where we are
22 going to deal with some cumulative effects of generating
23 power just south of our border. The interest that I
24 have expressed to them is, are known geothermal reserves
25 in our area, as Supervisor McQuiston has pointed out,

1 the emissions of this is water vapor. And why aren't we
2 exploring this vast geothermal resource as California is
3 faced with this energy issue?

4 The air quality that is going to come across
5 our area, people already know that some of our
6 attainments are actually -- we are out of compliance now
7 because of the basin in which we reside in. And the
8 crop production, the livestock industry -- now, you
9 know, with our, you know, visitors that come into our
10 area, we do want to maintain a certain amount of air
11 quality there that is beneficial to all of us.

12 And it's an enormous issue, California energy.
13 But all of a sudden these plants are producing this
14 product, now shipping it north. And my concern is, what
15 type of air quality standards are they going to have to
16 meet?

17 COUNCIL MEMBER SMITH: Want a more simple
18 question, Greg? What's the status of publication of the
19 abstracts and professional papers that were delivered at
20 the May meeting of the Desert Manager's Group?

21 GREG THOMPSON: You are talking about the
22 Millennium Conference, I believe, Paul?

23 COUNCIL MEMBER SMITH: Yes.

24 GREG THOMPSON: I believe the first call for
25 papers was about now. And hopefully a bunch will come

1 in. And we will be getting the stragglers in. And one
2 of the things we are facing is that we did break even on
3 the conference; but we didn't come up with quite enough
4 money yet to publish the proceedings.

5 That's something we will be talking about at
6 the Desert Manager's -- like I say, there was a wealth
7 of good information presented.

8 COUNCIL MEMBER SMITH: Be sure and remember
9 maybe to bear in mind that Joshua Tree National Park has
10 a publications program and would be interested in
11 considering that. That would be a park association.

12 GREG THOMPSON: Park association. Thank you.

13 COUNCIL MEMBER DENNER: Greg, seeing as you
14 indicated that the BLM is currently monitoring --
15 currently monitoring some other species of concern or
16 whatever in the way of plants and other type of species,
17 I wonder if you could, number one, tell us just how many
18 and who the guys that you are monitoring are?

19 And, number two, what is the directive or the
20 motivation for expending your resources at this point in
21 time, which are very limited, on monitoring species that
22 apparently aren't even listed yet?

23 And, number three, what results might we expect
24 to see from the end of that study, so that, you know, we
25 might think about what we are going to do about it?

1 GREG THOMPSON: I will try and remember those
2 in order. The first question, as I recall, was: What
3 species are we monitoring? The Algodones Dunes are
4 really an island in the desert, which makes them special
5 for people and also makes them special for other things
6 that live out there.

7 So we are looking at insect -- monitoring
8 insects, which is pretty much gathering whatever data we
9 can find that's in existing files -- mammals, birds, you
10 know -- because there is quite a few different types of
11 species that use the dunes.

12 I mentioned probably the key ones that we are
13 working on right now. But there are quite a few. But I
14 have a chart as to what some of the other ones are.

15 COUNCIL MEMBER DENNER: These are unique to the
16 sand dunes?

17 GREG THOMPSON: In some cases. Like I say, the
18 dunes are an island. Whatever happens in the dune
19 system often -- because it's separate from everything
20 else around. But that's not to say -- the flat-tailed
21 horned lizard is found in the dunes; but its main
22 habitat is outside the dunes, as opposed to some of the
23 other species which are primarily or totally found in
24 the dunes.

25 As far as the budget, why are we doing this,

1 one is because I think we would all like to try and get
2 a handle of the proper management of species. To have
3 them be considered for federal or state listing, then we
4 lose a lot of our options. And it's not very good for
5 the species. So we are trying to get a better handle
6 on, like I say, what's out there, what's going to help
7 in the plan and ongoing management.

8 As far as budget, this is one of our -- you
9 know, we have a multiple use mandate. One of our
10 mandates is protecting and managing the species. So we
11 are seeking funding through our own federal process.
12 But also the state grant process this year suggested
13 that we all use up to 10 percent, as you recall, of our
14 operations and maintenance grants on monitoring.

15 And certainly the -- as I understand it, the
16 California OHV Commission is interested in BLM and other
17 agencies looking at additional monitoring efforts for
18 state funding.

19 DISTRICT MANAGER SALT: Could I add something
20 to the response? We had requested and received a grant
21 to monitor the milk vetch prior to its listing. And we
22 were -- we didn't get that monitoring done.

23 There is a lot of people who believe that if we
24 knew everything we knew -- know about the plant now,
25 maybe it wouldn't have been listed. That's a reason for

1 doing monitoring.

2 Another reason, the flat tailed, you know we
3 successfully convinced officials that the plant
4 shouldn't be listed, and redeveloped this conservation
5 strategy, you know, to prevent it from being listed.

6 We need to do monitoring to demonstrate that
7 that strategy is working so that, you know, it shows
8 that it doesn't need to be listed. You know, monitoring
9 isn't necessarily information to prove that we are doing
10 bad things. Sometimes we can demonstrate there are good
11 things, as well.

12 As long as I have the microphone, we already
13 talked about the Millennium Conference. It should not
14 go without note that the council did present several
15 papers at that conference.

16 COUNCIL MEMBER KEMPER: Just a correction for
17 the record. Unless my hearing is incorrect, I think you
18 referred to the flat-tailed horned lizard as a plant.

19 DISTRICT MANAGER SALT: I did?

20 COUNCIL MEMBER BETTERLY: Madam Chair, in this
21 energy program that you are thinking, on the geothermal
22 and with Wally, has subsidence been part of that study
23 down there, the subsidence?

24 COUNCIL MEMBER LEIMGRUBER: Not that I am aware
25 of yet. There was obtaining of a presidential permit to

1 allow this energy to be exported to the south. This
2 energy will be produced in the Mexicali Valley. Sempra
3 is putting together the 500 KMW plant.

4 Not just one entity. There are two additional
5 entities, additional gas fired, and the third was coal
6 fired. The -- some of the energy will be exported
7 south. But the Sempra project does not have any
8 transmission lines going south.

9 COUNCIL MEMBER BETTERLY: Right.

10 COUNCIL MEMBER LEIMGRUBER: It will all be
11 produced and gone north.

12 COUNCIL MEMBER BETTERLY: Okay.

13 COUNCIL MEMBER KEMPER: Couple questions, if I
14 may. You mentioned in your report that listing a
15 species sometimes limits your flexibility in management.
16 And therefore you don't always perceive it as a good
17 thing.

18 The second question -- and it may be an
19 inappropriate question for you, but I will ask you this:
20 In the listing of all the species that have been thus
21 far listed, the listing of them, how many have we seen
22 recovery on?

23 GREG THOMPSON: I don't have that off the top
24 of my head. Obviously, that's the goal, that every
25 Secretary of Interior likes to tout the success stories.

1 This one has in the past. But there aren't as many as
2 we would like to see, as far as delisting.

3 COUNCIL MEMBER KEMPER: The first question --
4 you know, we will go with first: Do you feel that in
5 your management ability, your flexibility is lost by
6 listing a species?

7 I thought that's what I heard you say. And
8 then maybe if we can get somebody from Tim's office
9 appropriate to give us the numbers of species that have
10 been recovered after listing, it would be helpful.

11 GREG THOMPSON: The species as listed,
12 certainly there are requirements that come with that
13 listing, whether it's in designating Critical habitat or
14 whether it's in the recovery plan that usually follows.

15 So that -- there are a lot of specific
16 requirements as to how the land, you know, habitat is
17 going to be managed. It's a different situation than
18 before the listing. I am not sure if I am answering
19 your question.

20 COUNCIL MEMBER KEMPER: The question is: Does
21 it limit your flexibility?

22 GREG THOMPSON: Certainly.

23 CHAIRPERSON ANDERSON: Any other questions?

24 Thank you very much.

25 Since we are so behind time on the agenda, we

1 are actually moving forward with the National Landscape
2 Conservation System briefing and council discussion,
3 so -- and then moving back to China Lake Land Use
4 Management Plan.

5 So we are going to hear about the National
6 Conservation System. And I would like Tim to introduce
7 our briefing person.

8 DISTRICT MANAGER SALT: Actually throughout the
9 meeting today, we are going to handle things a little
10 differently than we do in the past. Normally, it's
11 staff from the Desert District to make the
12 presentations. Most of the presentations today are
13 going to be made by people other than staff in the
14 Desert District.

15 There has been a lot of talk -- I guess, back
16 up for a second. At the last meeting, we talked a
17 little bit about the National Landscape Conservation
18 System. And there was a request by council to have a
19 more detailed presentation on the National Landscape
20 Conservation System.

21 There was discussion earlier relative to the
22 last conference in Palm Springs last week. There was
23 also a National Landscape Conservation System conference
24 in Phoenix last week.

25 So we were fortunate to spin off of that and

1 have someone from our Washington office of the National
2 Landscape Conservation System be with us today to give
3 the presentation.

4 I would like to introduce Jesse Juen, who is
5 the group manager for monument and national conservation
6 areas in the National Landscape Conservation System
7 office in Washington. And with that, I will turn it
8 over to Jesse. And, hopefully, we have the computers up
9 and running. Power points are fun.

10

11 NATIONAL LANDSCAPE CONSERVATION SYSTEM BRIEFING

12 JESSE JUEN: Thank you very much, Tim. I would
13 like to thank Tim for the invitation as well as Madam
14 Chairman and the council members for allowing me to take
15 this opportunity to give you an overview of the
16 landscape system. If you will bear with us for a couple
17 minutes, we will get it all set up and begin.

18 DISTRICT MANAGER SALT: Those of you who can't
19 see, you are certainly welcome to shift to the other
20 side of the room.

21 JESSE JUEN: I am going to actually sit down,
22 if it's all right with you, so people can see me.

23 I want to thank you very much. My name is
24 Jesse Juen. And it is a pleasure to have the
25 opportunity to visit with all of you today about the

1 National Landscape Conservation System. As the group
2 manager for the national conservation areas and
3 monuments within the Washington office of the National
4 Landscape Conservation System, I want to go ahead and
5 get into what makes the system an integral part of what
6 the BLM does and also what sets it apart from other
7 landscape conservation systems.

8 Before I jump into the specifics of the
9 National Landscape Conservation System, however, let me
10 give it some context by talking about the BLM in
11 general.

12 The BLM is an agency of the Department of
13 Interior that manages 264 million acres across primarily
14 in the United States -- western United States. The BLM
15 also manages the public land for multiple uses. And
16 many of the uses include outdoor recreation, use by
17 wildlife for habitat, by stock raising, energy, and
18 mineral production, and several other aspects of uses
19 throughout the west.

20 The mix of use depends upon the resources that
21 exist in a given area and the area's resource management
22 goals, as many of you all know. Some of BLM land is
23 managed primarily for energy production. As an example,
24 for some of the production of specific and, also --
25 excuse me -- some of the protection of species that are

1 threatened or endangered, in other areas, providing
2 forage for livestock and maintaining open space may be
3 an overriding use.

4 No matter what the combination of the uses may
5 be, open space is almost always part of the mix on BLM
6 lands. Large expanses of undeveloped country is a
7 hallmark of the west and practically synonymous with BLM
8 lands. A widely-held perception of the BLM exists, in
9 fact, it's the agency that presides over some of the
10 most remote lands in the west.

11 This wide open aspect of western land remains.
12 But we cannot assume that it will always be the same.
13 The west has changed, and it is changing very rapidly.
14 The top five fastest growing states are all in the west.
15 And this trend shows no signs of changing.

16 So how does the demographic trend affect the
17 BLM? Over two-thirds of BLM lands are within an hour's
18 drive of the west urban areas. And as the west has
19 grown, so has the BLM workload. We are dealing with
20 more people now than ever before, facing more demands
21 and constraints on our landscape.

22 Thankfully, we have a flexible mandate from the
23 Federal Land Policy Management Act of 1976. The BLM
24 management of all public lands is guided by this
25 landmark statute enacted 25 years ago. The Federal Land

1 Policy Management Act has provided for multiple use of
2 the public lands and given the BLM important flexibility
3 in managing the land to meet the changing demands in the
4 west.

5 Today, this law, FLPMA, enables the BLM to
6 manage public lands not only for their commodity value
7 but also for the recreational opportunities and their
8 environmental qualities, such as open space.

9 So the BLM will always remain true to its
10 multiple use mission. But that's part of the agency's
11 identity. While honoring its historical mission,
12 however, the BLM is facing significant public work loads
13 in four major areas.

14 As you can see, those four major areas are
15 community growth, energy and mineral development,
16 conservation and restoration, and special areas which
17 are focused through the National Landscape Conservation
18 System.

19 The first of these areas deals with lands
20 situated near growing population centers. As I have
21 said already, the cities and towns across the west are
22 becoming -- are booming. And the region's expanding
23 population has forced the BLM to deal with a front of
24 new issues. For example, BLM lands in these places
25 serve as valuable and natural buffers between

1 established communities and undeveloped areas.

2 They provide recreation, wildlife habitat, and
3 open space, just to name a few of the aspects. The BLM
4 is planning to meet a variety of needs, such as
5 providing for rights-of-ways. You have heard a lot
6 about that this morning. Also ensuring that visitor
7 safety -- there is a high level of visitor safety to
8 enjoy the public lands, and reducing the risk of
9 wildfires that threaten our rural environments.

10 Another focus is the BLM lands containing rural
11 class energy and mineral resource. Places like the
12 Powder River Basin in Montana and also the San Juan
13 Basin in New Mexico and Colorado contains impressive
14 amounts of coal, oil, and natural gas. And it is places
15 like this where we will continue to focus energy
16 production on the public lands.

17 The importance of these resources cannot be
18 understated. These resources are vital to our economy,
19 and we have an obligation to develop them in an
20 environmentally responsible manner.

21 BLM lands also contain critical fish and
22 wildlife habitat. Over 300 plant and animal species
23 listed as threatened or endangered in the Endangered
24 Species Act inhabit lands administered by the BLM across
25 the country.

1 Recognizing that conserving sensitive species
2 is for the benefit of the public, the BLM is giving
3 priority to restoration and protection of these critical
4 habitats. For example, we are part of the effort to
5 recover the madamus fish in the Columbia River Basin.

6 The Interior Ecosystem Management Project,
7 which involves 65 million acres of BLM and Forest
8 Service lands across four states, seeks to reverse
9 conditions in the river basin where ecosystems are
10 declining in health.

11 We are also protecting other special status
12 species like the sage grouse in the sagebrush of
13 grassland habitats of Wyoming. In the process, we are
14 consulting with the U.S. Fish and Wildlife Service and
15 also working with local constituents in their
16 jurisdictions.

17 We are also making progress toward improving
18 water quality in certain high-priority watersheds across
19 the west, and putting a long-term fire management
20 strategy into action.

21 And, finally, we have the National Landscape
22 Conservation System. This system was established in
23 June of last year, and has become our agency's --
24 focuses our agency's management effort and the public's
25 attention on special landscapes under the Bureau of Land

1 Management stewardship. It's only fitting that BLM,
2 which manages more open space than any other agency,
3 should oversee such a landscape system.

4 The National Landscape Conservation System
5 consists of the following types of BLM units. The first
6 two are the national conservation areas, also known as
7 NCAs, and the national monuments that this agency
8 manages.

9 The third type of the unit are wilderness
10 areas, wilderness study areas, under BLM management.
11 The system also includes BLM-managed portions of the
12 National Wild and Scenic Rivers and National Scenic
13 Trails and National Historic Trails.

14 All told, the National Landscape Conservation
15 System manages over 800 units. All of these components
16 of the system involve either Congressional or
17 presidential designations. However, the National
18 Landscape Conservation System does not include other
19 types of Secretarial or BLM designations. Some of these
20 might include things such as natural landmarks or areas
21 of Critical environmental concern.

22 As you can see, our national conservation areas
23 and national monuments are distributed across all ten
24 states in the western U.S. Up here on the map -- I know
25 it's a little hard to see. But the areas highlighted in

1 blue are the monuments, and the areas highlighted in the
2 red are the national conservation areas.

3 Conservation areas are uniquely a BLM creation.
4 No other agency has them. And they perfectly display
5 the BLM multiple-use mission. A national conservation
6 area is an area designated by Congress to provide for
7 the conservation, use, enjoyment, and enhancement of
8 certain natural, recreational, paleontological, or other
9 resources. And this includes Fish and Wildlife habitat,
10 as well. The BLM manages 14 of these national
11 conservation areas across the west, and -- with a total
12 acreage of 14 million acres.

13 Within our national conservation area system,
14 we include the 7,400 acre headwaters, forest reserve in
15 northern California.

16 National monuments are designated to protect
17 objects of scientific and historic interest or historic
18 landmarks, historic and prehistoric structures, or other
19 objects of historic or scientific interest on public
20 lands.

21 Monuments can be created either by proclamation
22 by the president under the Antiquities Act of October of
23 1906, or an act of Congress. BLM also manages 14
24 national monuments currently established by proclamation
25 as well as one designated by Congress, which I believe

1 was here in southern California.

2 Wilderness areas and wilderness study areas are
3 also important pieces to the overall picture of the
4 National Landscape Conservation System. Established by
5 Congress pursuant to the Wilderness Act of 1964, the law
6 defines wilderness areas as places where the earth and
7 its community of life are not trampled by man, where man
8 is a visitor who does not remain.

9 The designation aims to ensure long-term --
10 excuse me. The designation aims to ensure that these
11 lands remain preserved and protected in their natural
12 condition. The BLM currently manages 148 wilderness
13 areas comprising a little over 6 million acres.

14 Wilderness study areas, meanwhile, are areas
15 designated by the BLM as having wilderness
16 characteristics making them worthy of consideration by
17 Congress for Wilderness designation. While Congress
18 considers whether to designate a WSA as Wilderness, we
19 manage these areas to prevent impairment of the area's
20 suitability for designation. The BLM currently manages
21 over 17 million acres and over 600 wilderness study
22 areas.

23 So far, I have been talking about protected
24 land. But the National Landscape Conservation System
25 also consists of linear components, like Wild and Scenic

1 Rivers and National Historic and Scenic Trails.

2 Wild and Scenic Rivers are designated by
3 Congress or the Secretary of Interior under the
4 authority of the Wild and Scenic Rivers Act of 1968 to
5 protect outstanding scenic, recreational, and other
6 values, and to preserve the rivers in a free-flowing
7 condition.

8 The BLM manages 36 Wild and Scenic Rivers,
9 totalling over 2,000 miles in all. Similarly, National
10 Scenic and Historic Trails are designated by Congress to
11 provide for enjoyment of the areas through which the
12 trail passes.

13 Established by the National Trail System Act of
14 1968, national historic trails must meet specific
15 criteria, such as having a significant potential for
16 interest based on historical interpretation and
17 appreciation or public recreational use. The BLM
18 currently manages a total of 3,623 trail miles on nine
19 historic trails.

20 The scenic trails, on the other hand, offer
21 maximum recreational potential of the scenic,
22 historical, natural, and cultural qualities of the area
23 through which they pass. The BLM manages a total of 641
24 miles of trail on portions of the Continental Divide and
25 the Pacific Crest Trails.

1 Goals for the National Landscape Conservation
2 System include protecting and restoring unique
3 resources, preserving culture and heritage, maintaining
4 a quality of life for a growing nation, and protecting
5 critical habitats.

6 The National Landscape Conservation System will
7 protect geologic and historical resources that are the
8 signature of the American West. For example, the system
9 protects vast lava flows only a few thousand years old
10 in the rugged badlands of the malopies in west New
11 Mexico, the Otay Mountain Wilderness in southern
12 California, which possesses a unique mix of botanical
13 mixes, wildlife, cultural resources, and opportunity.

14 15 plant species in this wilderness are
15 candidates for federal listing, including the world's
16 largest stand of tecate cypress.

17 Protecting unique resources means more than
18 just biological riches. The National Landscape
19 Conservation System also preserves cultural resources in
20 places like southwest -- southwestern Colorado canyons
21 of the Ancient National Monument, where the nation's
22 highest known density of archaeological sites are
23 located.

24 When we protect cultural resources, we are also
25 safeguarding a part of our national heritage. This can

1 mean a few different things, such as protecting portions
2 of historic trails. The Lewis and Clark trail, for
3 example, preserves a legacy of a journey that changed
4 our nation forever and helped to define the western way
5 of life.

6 The National Landscape Conservation System
7 units also protect historic structures and remnants. In
8 Nevada's Black Rock Desert National Conservation Area
9 and its wilderness sites, visitors can see wagon ruts
10 and historic inscriptions left by pioneers moving
11 westward in the 1800s.

12 And, finally, the system also protects
13 archaeological and paleontological resources. For
14 example, the Agua Fria National Monument, an hour north
15 of Phoenix, houses one of the most significant systems
16 of late prehistoric sites in the American southwest.

17 The National Landscape Conservation System
18 keeps a part of the west alive. And for people who live
19 there -- but for the nation -- not just for -- for
20 people who live there, but not just for those folks, for
21 the nation as a whole, these units will help to provide
22 alternatives to sprawl.

23 For example, Red Rock Canyon National
24 Conservation Area is about 15 miles west of Las Vegas,
25 Nevada. This is one of the fastest growing cities over

1 the past decade. The population of Vegas swelled by 66
2 percent during the '90s. And it's not too difficult to
3 foresee that development may one day come right up to
4 the edge of Red Rock.

5 In areas of rapid urbanization, the National
6 Landscape Conservation System gives visitors an
7 opportunity -- gives visitor opportunities for
8 recreation, solitude, discovery. But the National
9 Landscape Conservation System doesn't just maintain
10 quality of life by providing safe harbors from urban and
11 suburban development.

12 In more rural areas, the National Conservation
13 units support local development by placing visitor
14 amenities in the surrounding communities. Rather than
15 building gas stations and hotels that compete with
16 preexisting facilities, the bureau plans to direct
17 economic growth to the towns next to or near the units
18 within the system.

19 This quality-of-life goal incorporates the
20 first two, but is bigger than it, as well. By
21 protecting natural and cultural resources, the National
22 Landscape Conservation System also honors what makes
23 people who live in the west proud to live there.

24 The open space that characterizes the National
25 Landscape Conservation System makes them natural sites

1 to provide high-quality habitat for fish and wildlife
2 and plants. In these units, protection and restoration
3 of critical habitats is one of our top priorities.

4 In Idaho's Snake River Bird of Prey Natural
5 Conservation Area, the BLM is mandated to manage this
6 resource for the protection of the raptor population and
7 habitats while providing for interpretive and
8 educational opportunities for the public.

9 Protecting valuable habitat is also what led to
10 the creation of the Santa Rosa-San Jacinto National
11 Monument in southern California. Population numbers of
12 bighorn sheep have been steadily declining since the
13 1970s, dropping from near the 1,000 level in '79 to
14 about 300. And I understand from talking to Jim we are
15 back up to somewhere around 400 today.

16 Following the monument designation in October
17 of last year, the BLM and other agencies are
18 participating in a comprehensive multi-agency planning
19 effort to ensure the survival of the sheep.

20 Similar efforts are underway to protect the
21 unique trout species in southeast Oregon that is a part
22 of the Steens Mountain Protection Act. The first ever
23 redband trout reserve was created. The Donner and
24 Blitzen Redband Trout Reserve will protect and enhance
25 redband trout and the unique ecosystem that they depend

1 on by providing opportunities for the Fish and Wildlife
2 oriented outreach research and education.

3 I want to make clear, the units for the
4 National Landscape Conservation System fill a different
5 niche than the national parks. Take Steens Mountain
6 again, for example. Over a decade of debate culminated
7 in a landmark piece of legislation last October, the
8 Steens Mountain Cooperative Management Protection Act of
9 2000.

10 This law provides additional protection to
11 approximately 900,000 acres of federal land in
12 southeastern Oregon, safeguarding an extraordinary
13 landscape and a way of life for all who live there.

14 What's most striking about the legislation is
15 how it balances traditional uses for stricter levels of
16 land protection. Specifically, the act designated a
17 500,000 acre Steens Mountain Protection Area. The BLM
18 will manage this area with input from a new Steens
19 Mountain Advisory Council to conserve, protect, and
20 manage the long-term ecological integrity of the area.
21 Within this area, sustainable grazing and recreational
22 uses, including fishing and hunting, will be continued.

23 A land exchange provision provides for nearly
24 100,000 acres of livestock-free wilderness within
25 designated the 175,000 acres of Steens Mountain

1 Wilderness Area. This land at the top of the Steens
2 Mountain is the most sensitive to disturbance and will
3 be managed to safeguard the pristine environment.

4 The area also features two new Wild and Scenic
5 Rivers. There is a reserve to protect redband trout,
6 which I mentioned earlier.

7 That kind of flexibility in management is
8 evidenced across the National Landscape Conservation
9 System. For example, here is a slide of the Oregon John
10 Day Wild and Scenic River designated by Congress in
11 1988. John Day is managed to protect the water quality
12 and the array of natural and cultural resources, as
13 well.

14 Here, protecting and enhancing within the
15 values -- within the area include botanical resources,
16 archaeological use sites, and recreational opportunities
17 are the primary management purpose of the area.

18 And as you can imagine, managing the John Day
19 River requires a different approach than that of the
20 Steens. The diversity of the units within the National
21 Landscape Conservation System is part of its strength.
22 And it should -- and it shows that we can and should
23 manage these areas.

24 The Bureau of Land Management approach, which
25 accommodates certain uses while protecting resources,

1 inherently preserves open space. And the National
2 Landscape Conservation System highlights the value of
3 this open space in an increasingly crowded west.

4 COUNCIL MEMBER KEMPER: Madam Chair, just a
5 point. I see -- this is a wonderful dog and pony show.
6 But it has very little to do with this council. We are
7 wasting a valuable hour. I would like to move on.

8 CHAIRPERSON ANDERSON: How far are we along in
9 the presentation?

10 JESSE JUEN: I have about five minutes left.
11 But it's up to you all.

12 COUNCIL MEMBER KEMPER: I think I can survive
13 another five minutes.

14 JESSE JUEN: Thank you.

15 I just want to double check for you.

16 Finally, I want to stress that while the
17 National Landscape Conservation System may be relatively
18 new, the idea of managing special BLM lands for
19 conservation is not. For example, the King Range along
20 the California coast, the first national conservation
21 area ever established, has been protecting special
22 resources and providing recreational opportunities to
23 the Bureau of Land Management lands for over 30 years.

24 The agency therefore has established a strong
25 record for managing places like these. Another hallmark

1 of the BLM is that we manage at the local level. That
2 is where the on-the-ground decisions affecting the units
3 are and will be made.

4 The National Landscape office in Washington,
5 D.C., is a small administrative unit involved with
6 developing policy and guidance for the system. For the
7 recently established national monuments, BLM staff and
8 the relevant state field offices are developing
9 management plans that reflect input from community
10 leaders, ranchers, recreationists, environmentalists,
11 and several other groups.

12 Once a management plan is in place for each
13 unit, it will be implemented at the field level with the
14 assistance of our communities.

15 In closing, I want to thank all of you for your
16 time and patience. And I also have handouts of our --
17 in the back, I will have handouts of our brochure for
18 the National Landscape Conservation System as well as
19 maps that show the units across the west. Thank you.

20 CHAIRPERSON ANDERSON: Thank you very much.

21 Next on our agenda is a quick briefing on China
22 Lake Land Use Management Plan and Draft EIS. That will
23 be presented by John O'Gara. John.

24 CHINA LAKE LAND USE MANAGEMENT PLAN & DRAFT EIS UPDATE

25 JOHN O'GARA: And I will be brief, so you can

1 go to lunch. Good morning. On behalf of Captain Jim
2 Seaman, Commanding Officer of the Naval Air Weapons
3 Station, we welcome you to Ridgecrest and China Lake.

4 A very brief overview of our project, and -- I
5 don't recall the last time that we briefed you. But
6 Ilene was here, and Hector was not. That will give you
7 a unit of measure. Since that time, much has happened.
8 And we will give you a very, very brief background on
9 why we are doing what we are doing, how and where we are
10 today.

11 The Landis Management Plan is a cooperative
12 effort between China Lake, NAWS China Lake, DOD China
13 Lake, and Ridgecrest BLM. It was driven by two separate
14 actions, one being the 1994 passing of the California
15 Desert Protection Act, the other being business
16 initiatives by the Navy to accommodate increased test
17 and training opportunities. So as a method for
18 achieving both goals, the Navy chose in '96 to
19 incorporate a land management plan which was required by
20 the Desert Protection Act with the mission support and
21 training, test and training operation increase. So that
22 was the actions that developed the CLUMP, Comprehensive
23 Land Use Management Plan.

24 We initiated public scoping in partnership with
25 BLM in the spring and summer of '97. Five or six

1 locales were visited. Inputs from the public, both then
2 and ongoing, since that time have helped us define the
3 bounds, the scope, of the Comprehensive Land Use
4 Management Plan.

5 Concurrent with that, soon thereafter, we
6 started to initiate a rather large data acquisition
7 process, trying to find out what we knew about our dirt,
8 what we knew about what we did to our lands, and what
9 resources were in effect. That launched a rather large
10 data acquisition effort for both a natural and cultural
11 land use pattern, identification, and a CLUMP was
12 developed as a draft in August of 1999.

13 Now, it was briefed through to the state
14 director of BLM, Mr. Tim Salt, for the district, and
15 Hector and his predecessor here locally. The EIS that
16 is accompanying this has also more overtime basically
17 for two reasons: One being that the type and tempo of
18 the operations that we were analyzing have changed, so
19 we have been keeping up with our customer demand. And
20 we had a couple of difficulties with a vendor. We spent
21 the better part of a year and a half trying to recover
22 from less-than-quality work.

23 So we are currently at a point in time where
24 our draft EIS is going to be undergoing an internal
25 review for the months of June and July. This will be

1 gone back to the technical folks in D.C., folks at China
2 Lake, folks at BLM, and be involved with our lawyers as
3 well as anybody else looking at the technical content,
4 the format of the document. And we are hoping to have
5 that document released in the fall of this year.

6 That will be released for the public review.
7 And the notice of availability will be coming to the
8 CVD. With the draft EIS will be a copy of the draft
9 land management plan as well as the draft natural
10 resources plan.

11 So in this interim intervening time while we
12 were developing the EIS, we have also completed the
13 development of several accompanying draft plans, natural
14 resources plan, response site, cultural resources plan,
15 and an air installation compatibility land use plan
16 sharing with the city and the county.

17 That's it in a nutshell. We are looking at,
18 with some luck, having a notice of availability in the
19 September time frame. It will be released in
20 partnership with BLM. And that's my quick and dirty.
21 And it's less than 10 minutes. Questions?

22 CHAIRPERSON ANDERSON: I have a question for
23 you. Does this EIS or any of the management plans
24 associated with it, will it be addressing potential use
25 of your southern range for Army maneuvers in there

1 coming from Fort Irwin?

2 JOHN O'GARA: It will address the Army's
3 proposal from 1994 where they wanted to go into
4 Randsburg Wash. And that alternative was not carried
5 forward, because it is not part of our need. The Army's
6 proposal to expand is not within the scope.

7 But the plan will identify how we are managing
8 our lands to meet the Navy's -- we do accommodate ground
9 troop training under our controls. We have air ops as
10 well as ground ops that we do now and are proposing to
11 increase. But it is not maneuver training in the
12 expansion.

13 COUNCIL MEMBER BETTERLY: Are there any
14 communications between the Navy and the Army?

15 JOHN O'GARA: There is on a routine basis. You
16 have to be a little more specific than that. Right now
17 we do include Army training for air ops. Irwin brings
18 in helicopters over -- and if you know anything about
19 China Lake, we have an electronic combat range on the
20 south side. And they do run against our threats.

21 So we have been partnering with both Army, the
22 Marines at Twenty-Nine Palms, and Marines at Pendleton.
23 The Seals out at Coronado do use China Lake assets for
24 training, but they do so under very strict rules of
25 participation on our lands. We are all thinking purple

1 these days.

2 Does that answer your question?

3 CHAIRPERSON ANDERSON: Yes, it does. Thank

4 you.

5 Any others? Looks like lunch time.

6 Thank you very much. Okay. I would love to

7 say a half hour for lunch. I don't think that's

8 feasible. 50 minutes. I would like to reconvene in 50

9 minutes for the afternoon session.

10 (Luncheon recess.)

11 THE COURT: I would like to reconvene the

12 council, so we can continue on with our agenda. And the

13 afternoon session starts off with a Bioregional Plan

14 Update. That's going to be covered by Tim Salt.

15

16 BIOREGIONAL PLANS UPDATE

17 DISTRICT MANAGER SALT: I just want to give a

18 really quick update on the latest plans, given that

19 based on the wishes of the council as expressed at the

20 last meeting, the NEMO plan and the NECO plan will be

21 the primary focus of discussion at the next meeting.

22 Just a real quick update. On the NECO plan,

23 the public meetings have concluded. I think there were

24 twelve public meetings, and all fairly well attended.

25 We got some good comment on that. The written comments

1 are beginning to come in. As we all know, nobody ever
2 gives written comments until the last week or so of the
3 comment period. So they are beginning to come in.

4 At the last council meeting, the council
5 requested that the comment period be extended 30 days.
6 The comment period has been extended 30 days. The
7 Federal Register notice for that -- I think the press
8 release and all went out sometime ago. Because the
9 Federal Register was just published on Friday, extending
10 the comment period to July 9th.

11 The NEMO plan: The public meetings are
12 currently ongoing. There was one last night in Barstow,
13 I believe it was, and the night before that here in
14 Ridgecrest. So those meetings are ongoing. And, like I
15 said, both of those two plans will be the primary
16 subject of discussion at the next meeting.

17 The West Mojave Plan, which is the other plan
18 that people have a lot of interest in, is still grinding
19 its way through the process. We are looking forward to
20 the issuance of a draft some time in the fall. The West
21 Mojave Plan has been staggering along for about ten
22 years now.

23 The recent legislation that was referred to
24 earlier this morning, the Fort Irwin expansion
25 legislation, has tied that planning process to the

1 proposed Fort Irwin expansion. So we have got some
2 congressionally mandated deadlines now. And I am
3 confident that we will meet those. So we are looking
4 for a draft in the fall and completion of the plan in
5 about two years.

6 There was -- Ilene asked that I talk about the
7 relationship of the West Mojave Plan to the Fort Irwin
8 expansion. And some of the comments this morning
9 indicated that there was a need to do that. So I will
10 try to explain that.

11 When the Bureau of Land Management does a plan,
12 basically those plans are land use allocation decisions,
13 very broad decisions. And the actions that -- the
14 specific on-the-ground actions that take place then are
15 part of -- need to be consistent with those basic land
16 use allocation decisions.

17 The dedication of a hundred thousand acres to
18 the Army for uses for military training is certainly a
19 land use allocation decision and as such will be
20 addressed in the West Mojave Plan.

21 The objectives of the West Mojave Plan, you
22 know, without consideration of Fort Irwin, are -- you
23 know, there are many objectives. But one of the
24 objectives is to define how we intend to fulfill our
25 requirements to ensure the recovery of the desert

1 tortoise.

2 So one of the things the West Mojave Plan is
3 going to have to do is look at how we are going to
4 ensure the recovery of the desert tortoise if that
5 hundred thousand acres is devoted to military training.

6 So in that sense, the two plans -- the two
7 actions will be linked. The way I like to describe
8 things, to help understand that, we make land use plan
9 decisions which are allocation decisions.

10 And then subsequent to that, we do what we call
11 activity plans to talk about how that land use
12 allocation can be done, whether that activity plan is
13 the designation of an off-highway vehicle -- I mean, the
14 plan decision would be the designation of an off-highway
15 vehicle area or the commitment to manage an area for
16 wilderness or, you know, those kinds of things.

17 And then we would follow that up with an
18 activity plan that would talk specifically about, you
19 know, how we are going to manage off-highway vehicles in
20 that area or how we are going to manage, you know,
21 wilderness, or whatever the case may be. I like to
22 relate West Mojave to that analogy.

23 You know, the bureau will be making a land use
24 allocation decision through the West Mojave Plan. The
25 Army is doing the expansion EIS right now that talks

1 about what's going to be done with that land once it's
2 transferred from the BLM to the Army.

3 Those -- it's a little bit confusing right now;
4 because those are on parallel course. Normally, we
5 would do them sequentially. But as a result of the
6 legislation, those are on parallel course. So we are
7 going to do what we can to coordinate with the Army
8 relative to public meetings and notices and those kinds
9 of things. But they are separate actions dealing with
10 separate aspects of the expansion.

11 The legislation that I referred to and has been
12 referred to several times here today requires that a key
13 elements report be developed, and that that be submitted
14 to the Congress, and that based on that key elements
15 report, the Fish and Wildlife Service take a preliminary
16 look at that and see whether or not it's conceivable
17 that they could achieve a favorable biological opinion.

18 The legislation established some pretty clear
19 deadlines. And right now we are a little behind on
20 those deadlines. The Army was to have their expansion
21 plan prepared by April 21st. And within 120 days after
22 legislation was passed -- I mean, after the legislation
23 was passed, the withdrawal legislation was supposed to
24 be submitted to Congress.

25 Because the expansion plan hasn't been

1 completed yet, the withdrawal language hasn't been
2 submitted yet. But I anticipate in the next 30 to 60
3 days, that that withdrawal language will be submitted.

4 The course that we are on now is the course
5 that was the result of the agreement between Former
6 Secretary Babbitt and Former Secretary Colin, the
7 Secretary of Defense. That agreement was memorialized
8 in legislation that was sponsored by Senator Feinstein
9 and Congressman Lewis and enacted into law.

10 So that is the schedule we are on and the
11 approach we are taking. I suspect we have some
12 questions.

13 COUNCIL MEMBER KEMPER: I have one. In regards
14 to the key elements, the key element report, it appears
15 to me that we are on a fast track making and getting
16 things done. And there may not be opportunity for, you
17 know, the public to give comment. Will there be an
18 opportunity to view the report before it goes in?

19 DISTRICT MANAGER SALT: I don't think the
20 legislation envisioned the public involvement in the key
21 elements report. But certainly as this is part of the
22 West Mojave Plan, you know, there will be public
23 comment. And it is, you know, vital that the public and
24 this council comment as that moves forward.

25 I think we should look at the key elements

1 report and their expansion plan as the crafting of one
2 of the alternatives to be considered in the West Mojave
3 Plan. And that once that alternative is considered,
4 then, you know, it will be addressed in that public
5 process.

6 COUNCIL MEMBER KEMPER: I guess what my concern
7 is, is this council making sure that all the key
8 elements are being considered? In other words, would
9 you take recommendations from this council on what key
10 elements should be?

11 DISTRICT MANAGER SALT: Again, I think that was
12 fairly well defined by the Congress. The Congress asked
13 the Army and the Interior to work together to develop
14 the report. They were talking about the expansion
15 needs.

16 They were talking about how the land would be
17 used and talking about, you know, that in relationship
18 to endangered species. It doesn't -- the key elements
19 report doesn't really talk except for in very general
20 terms about the mitigation, you know, about, you know,
21 how those things will be accommodated.

22 COUNCIL MEMBER KEMPER: I understand your
23 position, I guess. But I -- and maybe I am so new here
24 I don't understand what I am -- but it was my
25 understanding that this committee was mandated by

1 Congress to help give input or at least give advice. If
2 we are never -- if we are never shown the problem, I
3 don't know how we could possibly advise.

4 COUNCIL MEMBER REDDY: I would like to try and
5 answer one more time the way I did this morning. I
6 guess I am the only one on the council -- I think
7 Isabella was on it the year we did the Fort Irwin
8 expansion. And she is not here today. So I guess, Tim,
9 if you weren't here, I don't know if anybody else was
10 here on the council.

11 I would suggest before we review anything for
12 the Fort Irwin expansion, that among other things, Doran
13 go back through the meeting notes of that council and
14 distribute those notes to all the members in the council
15 that related to the Fort Irwin expansion.

16 And there were several meetings. A lot of the
17 discussion, of course, wasn't in the notes; because a
18 lot of it was -- these were serious discussions that
19 involved the committee quite a bit. And as Tim has
20 mentioned before, these were discussions that were
21 handled quite often over beers at night, long into the
22 night. These were some of the most intense discussions
23 the council has had in the six years I have been on it.

24 Again, I would suggest that if the council has
25 any credibility, that decisions of the council -- you

1 are implying that we should have a say in something and
2 not be ignored. On the other hand, we shouldn't ignore
3 what the council has already decided, reviewed, and
4 done.

5 And I think if you review back through the
6 notes, what you will find is -- unless my memory
7 fails -- we had completely unanimous votes from the
8 environmental community, the off-road vehicle people,
9 the mining interests -- every interest group finally
10 bought into a recommendation which went completely
11 counter to what Fort Irwin actually originally wanted to
12 do.

13 So while we all agreed on the direction that
14 they finally were going to go, none of us would have
15 accepted that on our own, given all the alternatives
16 they had, and with quite intense discussions. Again,
17 everybody agreed to it.

18 So to completely disregard what we have already
19 done and say, well, we are different people, we want to
20 start over again, and to imply that the council's
21 position isn't being heard -- this is one case where the
22 council's recommendation was heard.

23 I would suggest, besides passing them out, that
24 council discussion be limited to areas where Tim said
25 that they didn't exactly follow what the council

1 recommended, or the option the council recommended.

2 We -- review of the China Lake -- the Fort
3 Irwin expansion then be limited to those areas where
4 they are expanding in a slightly different way or a
5 different area than what we had already -- council had
6 already agreed to, we not go back to square one and
7 ignore everything.

8 Otherwise -- again, as I said this morning,
9 there have been complaints that sometimes our
10 recommendations aren't heard or listened to. If we then
11 decide, well, let's ignore what we have already done
12 ourself, it makes the whole sense of any of us being
13 here moot.

14 We might as well just forget the fact that we
15 are here, and we have to wait for the next council to
16 make another decision.

17 COUNCIL MEMBER KEMPER: It wasn't my intention
18 to revisit the total issue and usurp what the previous
19 board did. I think it would be nice for those of us
20 that are here to review the document. And, hopefully,
21 it carries out what you think you all agreed to.

22 COUNCIL MEMBER ELLIS: I had another comment on
23 here. And I think a concern that some groups have, at
24 this point, is that it might well be the case that when
25 the Army's report comes out in perhaps a month or so, it

1 will also be accompanied by legislation or proposed
2 legislation which may be tried to fast track through
3 Congress and have a quick passage.

4 Now, the original enabling legislation last
5 November or December, it seemed to give a permission for
6 Congress to set aside the land prior to completion of
7 the environmental documentation.

8 And so my concern would be that a report came
9 out, Congress decided to go ahead -- and in addition to
10 the report, it said, well, we feel confident we can
11 mitigate all the impacts with further study.

12 Meanwhile, then, Congress passes the law and
13 withdraws the land pending completion of all the
14 mitigation and prior to any consideration by this
15 council and prior to any adoption of a West Mojave Plan.
16 So I think there is some concern that something like
17 that might emerge. So I think we all just have to keep
18 our eyes open. Even though we may want to be involved,
19 we may find we are bypassed here.

20 DISTRICT MANAGER SALT: On that regard, too,
21 Bob, you make a good point that there is action that
22 Congress is going to take here. And, you know, I
23 certainly wouldn't want you to limit your council advice
24 to BLM.

25 You know, if you have wishes that, you know,

1 you think your Congressman needs to hear, they still
2 have action to take, as well.

3 COUNCIL MEMBER DENNER: A quick question
4 relative to the NEMO plan. Is it correct that I am
5 hearing that this plan proposes to close 8,000 miles of
6 trails?

7 DISTRICT MANAGER SALT: At this stage, there
8 are no proposals. We are working through developing
9 alternatives right now.

10 THE COURT: Any other questions?

11 I would like to proceed to the next agenda
12 item, which is a briefing on the California Desert
13 District Off-Highway Vehicle Program by Ira Long.

14

15 CALIFORNIA DESERT DISTRICT OFF-HIGHWAY VEHICLE PROGRAM

16 IRA LONG: Good afternoon. I am Ira Long. I
17 am going to give you a short powerful presentation on
18 OHV management. Basically, I am going to define it and
19 go through the executive order and how we manage
20 off-highway vehicles in California as a district.

21 What is an OHV? An off-road vehicle is any
22 motorized vehicle capable of or designed for travel on
23 immediate overland water or natural terrain.

24 Back in 1972, in the Nixon administration,
25 there was a need to recognize that public lands need to

1 be managed for off-highway vehicles. Executive order
2 11644 serves this need. And it was amended in 1977.

3 11989 by the Carter administration, and it
4 states that the purpose of this order is to establish
5 policies and procedures that will ensure that the use of
6 off-road vehicles on public lands will be controlled and
7 directed so as to protect the resources of those lands.

8 In the executive order in 1972, BLM recognized
9 the need to establish the first closed areas of the
10 California desert for vehicular access. Areas were
11 closed to OHVs based on sensitivities of the resources
12 and the kind of uses of geographical areas.

13 Out of the executive orders came federal
14 regulations. The executive orders established criteria
15 for designation of public lands as Open, Limited, or
16 Closed. It established controls governing the use and
17 operation of off-road vehicles in such areas.

18 8341 directs condition of use. This is an
19 example of how law enforcement gets involved in the
20 recreation program -- and simply states that no person
21 shall operate an off-highway vehicle on public lands in
22 a reckless, careless, or negligent manner.

23 It even establishes speed limits. And it even
24 establishes under the influence, what I call, or
25 narcotics.

1 8342 is the designation of areas and trails,
2 which basically states that -- designates all public
3 lands as either Open, Limited, or Closed to off-road
4 vehicles. All designations shall be based on protection
5 of resources of public lands.

6 And it goes into further. It talks about
7 designation procedures, which we are going through now.
8 Public participation dealing with Northern, Eastern, and
9 West Mojave Plan, which states that designation and re-
10 designation of trails -- in resource management plans.

11 Further Code of Federal Regulations as it
12 relates to management of off-highway vehicles on public
13 lands. And this is to ensure that public lands can be
14 used to maximize -- I'm sorry -- ensure that public
15 lands can be used to the maximum number of people with
16 the minimum conflict among users and minimum damage to
17 public lands and resources.

18 8365 deals with the rules of conduct. I threw
19 sanitation in here as an example. This is a big problem
20 for us in public land. Trash collection and just waste
21 disposal on public lands is an enormous resource to us.
22 We spend an exorbitant amount of money yearly on this.

23 Occupancy and use, this deals with abandoned
24 vehicles on public lands.

25 And public health and safety, this is a daily

1 effort in which we put forth to provide mapping, kiosks,
2 and general information to the public.

3 Through this process, the California Desert
4 Conservation Area Plan established multiple use class
5 designations for resource management guidelines.
6 Multiple use class for OHV is Open, which is I,
7 intensive areas, which is the open areas. Closed areas
8 is C, which are the wilderness areas. And the limited
9 areas.

10 The California Desert Conservation Plan OHV
11 route designation established Closed areas. The Limited
12 route designation, which we have been going back and
13 forth for the last twenty years about, is roughly about
14 6 million acres. The Closed areas is roughly around 3
15 million acres. And Open areas is 5 percent. It's
16 roughly -- little over 500,000 acres.

17 And there were three competitive recreation
18 routes established in the CDCA plan.

19 This is the butt of our problem as it relates
20 to limited use. This is what the public, general
21 public, sees. This is what BLM sees. About ten years
22 ago, the technology was such that BLM could not give
23 this information to the public, could not give this
24 information out.

25 With current GPS units, GPS units that are in

1 the public sector, this enables the public to review the
2 information that we put out, not only for the accuracy,
3 but for them to us tell us what's wrong with our maps.
4 And they do that.

5 CDCA route designation, designation goals, to
6 provide as complete an inventory as possible, to provide
7 a reasonable network of routes for travel which meets
8 the needs of the desert users, to reduce conflicts among
9 deserts users, to provide a route system that meets the
10 needs of the public.

11 OHV and route designation issues. Law
12 enforcement is a major problem for us. In the
13 California desert -- an example is Barstow. If you take
14 an average open area, Scars Valley or Johnson Valley, we
15 have one ranger per open area.

16 On private property issues, it's a great
17 concern to us. Infrastructure: Signs, kiosks, and
18 current vandalism of those things that we produce for
19 the general public.

20 Resource protection, protecting T & E species,
21 and road and trail maintenance.

22 What's next for the California Desert District
23 and the California Desert Conservation Areas?
24 Completion of the conservation plans, which are
25 amendments to the CDCA plan, the Northern and Eastern

1 Plan, the West Mojave Plan.

2 Implementation of route designation. Provide a
3 route system that is acceptable by the desert users --
4 and provide a route system that's acceptable by the
5 desert users.

6 What I want to do is just give you a little
7 example of -- just show you a little history of how we
8 got where we are and where we came from.

9 With the executive orders, the executive orders
10 were our foundation. Implementation of the 11989 and
11 legislation of 11644 were our foundation. And after
12 that, the Code of Federal Regulations.

13 And this is how we manage off-highway vehicles.
14 This is an arduous task, at best. With the help of the
15 general public, hopefully we can have some type of
16 closure to route designation.

17 That concludes my presentation on OHV
18 management and the California Desert issue. I am going
19 to talk a little bit about the OHV program and --

20 COUNCIL MEMBER MC QUISTON: Madam Chair, before
21 we go to the next portion of the briefing, on one of
22 your slides, you brought up law enforcement and the
23 relationship of your staffing to management of these
24 routes.

25 I am too new on the committee. But in my

1 cursory reading, I can't find anything that I can recall
2 dealing with statute or regulations where law
3 enforcement was a factor in the management decisions as
4 it pertains to the route designation.

5 What is the relationship? I mean, why is that
6 a factor?

7 IRA LONG: Law enforcement is not a factor as
8 far as route designation. But it is a factor as far as
9 managing, enforcing the resource codes. In 4374,
10 ensuring that people in an open area can travel in an
11 open area. In the limited areas, it's designated
12 routes.

13 COUNCIL MEMBER MC QUISTON: If I follow that
14 logic, then, if my sheriff's deputies per capita in Kern
15 County falls below a certain standard, does that mean
16 that I should say we are not going to -- you know, we
17 are going to close off this section of the county, or if
18 the Highway Patrol staffing gets low, are we going to
19 perhaps use that as a basis to close state and federal
20 roads?

21 IRA LONG: I am not saying that we are going to
22 close off an area. I am -- what I am saying here is
23 that we recognize that's an issue. The general public
24 tells us there is a great need for more law enforcement
25 present on public lands. That's what I am stating,

1 basically.

2 COUNCIL MEMBER MC QUISTON: Okay. What I am
3 hearing, it is not a consideration at all in designation
4 of routes.

5 IRA LONG: No.

6 COUNCIL MEMBER MC QUISTON: Okay.

7 DISTRICT MANAGER SALT: I think where it is an
8 issue -- and the reason Ira is up there -- is that I
9 think we will find later, as we get into the discussion
10 of the document, most of the problems, most of the
11 places where we get criticism, are where there is not
12 compliance with what we put into place.

13 And, I mean, the -- what's coming out of the
14 TRT and everything else in the dunes is, you know, we
15 need to better be able to ensure compliance. And if we
16 can better ensure compliance, then there will be a lot
17 less -- there will be a lot less problems.

18 I think that's where Ira is going with the law
19 enforcement. We don't use our ability to enforce as a
20 reason or rationale for designation. But we do have --
21 we do need to ensure compliance once we do designation.

22 IRA LONG: Let me give you a little short
23 history of the California Department of Parks, State
24 Parks and Off-Highway Vehicle Division Grant Program,
25 the OHV grant program, which BLM applies for grants on a

1 yearly basis and receives a substantial amount in its
2 budget from this process.

3 There are five -- there are basically five
4 types of grants that BLM applies for, not only an annual
5 basis, but on a semiannual basis.

6 The first grant which we apply for on a yearly
7 basis is the operation and maintenance. And operation
8 and maintenance basically provides funding for ongoing
9 annual and recurring work directed towards facilities,
10 natural resources, and visitor services.

11 There is acquisition, acquiring lands and
12 acreage, to ensure adequate OHV recreation access and
13 opportunities. And there is development. Development
14 costs should be one-time only costs as well as the
15 return for recreation benefits.

16 An example of that would be the restrooms down
17 in Imperial Sand Dunes, the station -- the Jawbone
18 Station I think you guys saw on your field trip.

19 And then there is planning. The BLM received
20 one grant in this area, and that was to study the
21 California Discovery Trail.

22 And resource management grants, which are --
23 basically involve one-time calls for restoration for
24 natural resources.

25 AUDIENCE: I don't know if he is not speaking

1 clearly into the microphone or if he is speaking too
2 fast. But even the stenographer is having trouble
3 keeping up. Can we slow down or speak clearly into the
4 microphone? I am having trouble following myself.

5 IRA LONG: Okay.

6 COUNCIL MEMBER KEMPER: Just a point of order.
7 I would hope if the stenographer is having a problem,
8 she will stop whoever is speaking and ask them to
9 clarify.

10 IRA LONG: About two years ago, California
11 State Parks Off-Highway Vehicle Division was sued for
12 operating under -- sued for operating under illegal
13 regulations. Out of the suit came new grant
14 requirements, as 4970.13.

15 And basically it states that all grants -- all
16 grants for planning, acquisition, or development and
17 agreements for resource management and O & M shall
18 include a wildlife protection program. It further goes
19 on to define the things that need to be included in each
20 grant, including a map identifying trails, roads,
21 corridors, a baseline survey of soils, a census of
22 wildlife and wildlife habitat found in the areas that
23 are open for OHV.

24 A monitoring program that is able to detect
25 changes in soil erosion and wildlife habitat in the

1 areas that is open for use for OHVs.

2 It further states that a resource protection
3 program should include but is not limited to law
4 enforcement, public education, signing, and barriers.

5 I am showing you -- here is our current budget
6 status. This is our 2000 funding. That is all the
7 funds we have received to date. It's not including
8 2001.

9 OHV grant funds were 2.7 million. Recreation
10 is 2.2 million. And wilderness is 2.1. OHV grant funds
11 were 38 percent of our current budget last year.
12 Recreation was 31 percent, and wilderness was 30
13 percent.

14 What I am showing you is our reliance on the
15 Green Sticker funds. This is our grant reliance from
16 '98, '99, and 2000. 2.1 was for recreation. It's the
17 first line. 2 million in the red line is wilderness.
18 And the yellow is -- it's OHV. It's 6.7. Included in
19 the 6.7 is 2.5 million for El Mirage for acquisition,
20 500,000 for the Decko Road repair in El Centro.

21 In '99, the funds seem to level off. Again,
22 recreation is 2.1; wilderness, 2.1; and Green Sticker
23 is --

24 CHAIRPERSON ANDERSON: Can you speak a little
25 closer to the mic, please?

1 IRA LONG: Yes. Again, in 2000 the funds level
2 off again. Recreation was 2.1, wilderness was 2.1, and
3 Green Sticker was 2.4.

4 Total grant allocation from 1979 until the year
5 2000 states that after reviewing all the current data --
6 the blue pie chart shows 38.7 percent. That's the
7 amount of money we received in operation and
8 maintenance. That's 20 million for the last 20 years.

9 The yellow is 42.1 percent. That's 22 million.
10 That is acquisition. The acquisition money we
11 receive -- applies for it, and it goes for all willing
12 sellers in open areas who are willing to sell the
13 property. It also acquires easements from willing
14 sellers who do not want to sell property, but are
15 willing to sell easements.

16 The blue is development. And the development
17 basically is 1.3 million for the Graceful Bridge in El
18 Centro, tollage in El Centro, tollage at Dumont Dunes,
19 and also grading of roads.

20 The .9 percent is planning -- that's 465,000.
21 And the .8 percent is resource -- it's resource
22 management. That's for the past 20 years. That's what
23 we received. That's where we are as today.

24 What I was showing you is basically just our
25 total grant -- our total reliance on the Green Sticker

1 funds. And I just want to give you an example of our
2 current budget status and how it fits into the program
3 and how heavily we rely on the program.

4 That's it.

5 CHAIRPERSON ANDERSON: Thank you. Are there
6 questions from the council?

7 COUNCIL MEMBER RISTER: On the grants, the OHV
8 grants and the Green Sticker money and even the fee
9 demonstration project, are some of those projects that
10 have been funded that may impact the further studies on
11 T & E species, are they going to be held up until such
12 time that those studies are conclusive that the
13 improvements that those monies are going to fund are not
14 going to do any damage?

15 GREG THOMPSON: I guess I don't understand --
16 is your question that -- I would say no.

17 COUNCIL MEMBER RISTER: What I was thinking
18 was, on some of the Glamis projects that we are using
19 the fee demonstration money or some of the grants, that
20 they were going to impact some of the areas or Peirson
21 milk vetch -- are those projects going to be held up
22 until a resolution has been brought about on T & E
23 species? Or are those projects going to be carried on
24 out?

25 GREG THOMPSON: It's actually a little bit of

1 both. We need to continue managing the dunes; but some
2 projects, such as a proposed dune camping pad, have been
3 held up pending consultation with Fish and Wildlife
4 Service.

5 COUNCIL MEMBER RISTER: Will that money be set
6 aside so that it will be available if it shows through
7 the studies that that camping pad can be built without
8 impacting the milk vetch; or will the money be lost or
9 re-appropriated as something else?

10 GREG THOMPSON: We have had several discussions
11 with the technical review team on that. And I believe
12 the feeling within the TRT and BLM is that there are a
13 number of opportunities to, you know, that -- and needs
14 for the funding, and that we are sort of keeping things
15 like that in the back of our mind, that they may be
16 coming down the road; so we are not forgetting them, but
17 we are not just setting aside money and letting it sit
18 there.

19 But we feel that, you know, if that's where we
20 are going to go in the future, that we will be able to
21 fund it.

22 Is that accurate from your perspective?

23 COUNCIL MEMBER DENNER: I think that's true.
24 It doesn't make sense, if we have got a lot of projects
25 in mind that are important, to let money sit in the

1 bucket.

2 But we do have an action item list. And we
3 never cross anything off the action item list until we
4 switch priorities. When we get cleared to be able to
5 build the pad -- you know, everybody knows that project
6 is there.

7 COUNCIL MEMBER KEMPER: I had a question in
8 regards to Green Sticker.

9 Did I understand earlier today that the Green
10 Sticker money that comes into the agency don't
11 necessarily get spent within the district where that
12 off-road vehicle was being used? They just go into a
13 general fund?

14 DISTRICT MANAGER SALT: The manner in which the
15 Green Sticker fund or the off-highway vehicle fund is
16 funded and how the state allocates the money is complex,
17 you know. But there is a big pot of money. And we
18 apply for it. And the State, through the State
19 Off-Highway Vehicle Commission, makes determinations on
20 how that money should be allocated.

21 But to the best of my knowledge, they don't --
22 there isn't consideration given for the number of
23 registered vehicles in a certain county, that that
24 county -- as it relates to federal grants, anyway.
25 Because there are other grants that go through state and

1 local agencies, as well. And I don't know -- I am
2 just -- does that answer the question?

3 COUNCIL MEMBER DENNER: I can add to that, Ron.
4 The answer to your question is no, that the money does
5 not go back directly in proportion to where the Green
6 Sticker vehicles are registered, necessarily. And there
7 is a good reason for that.

8 Because the people don't ride them -- ride
9 these vehicles in the areas where the vehicles are
10 housed. They usually carry them to another area. And
11 that's where the money is needed. Like if we counted
12 the number of Green Sticker vehicles in Imperial County,
13 we probably couldn't support the Imperial Sand Dunes
14 Project. But people come from all over L.A., Orange
15 County, and that.

16 But relative to the question of: Does this go
17 into the general fund, the answer to that is no. The
18 OHMV Division in Sacramento maintains a fund separate
19 from the general fund. In fact, the governor recently
20 tried to steal some money from our Green Sticker fund.

21 And after our legislator up there reminded him
22 of what happened the last time he tried to do that, that
23 project has gone away. So the money does go back to the
24 OHV community, okay, but not specifically where the
25 population is.

1 COUNCIL MEMBER KEMPER: Actually, maybe I
2 misspoke my question, or you heard something different.
3 What I meant was: Do the monies go back in proportion
4 to where that vehicle is being used?

5 In other words, if there is money coming back
6 from the BLM district where that vehicle is being used,
7 obviously, they have some tools to help manage that
8 vehicle use.

9 COUNCIL MEMBER DENNER: That used to be the
10 case. We -- there are seven state vehicle recreation
11 areas in the state of California. It used to be that
12 the money would go to development and maintenance and
13 expansion of those areas.

14 But we haven't gotten a new SVRA in ten years.
15 And right now, most of the money in Green Sticker funds
16 is going to fight lawsuits.

17 COUNCIL MEMBER KEMPER: Did the off-road
18 community like it better when it was going to
19 improvements?

20 COUNCIL MEMBER DENNER: No. We actually like
21 the lawsuits better.

22 COUNCIL MEMBER ELLIS: Can I make -- I have a
23 question just having to do with that presentation,
24 which -- I have to say I know something about the
25 funding, but not too much. But I found it very

1 confusing.

2 And I did notice there were a couple of charts
3 there that seemed to compare funds for wilderness and
4 funds for recreation and funds for off-road vehicles.
5 And I was wondering if I could get an explanation of
6 what grants there are for recreation and wilderness? I
7 do know there is a large amount of grants for off-road
8 vehicles.

9 IRA LONG: The information I showed you was
10 just -- was appropriated funds. It was only
11 appropriated funds.

12 COUNCIL MEMBER ELLIS: So, in other words, you
13 were showing the general BLM budget that your agency
14 allocates a certain amount for recreation, a certain
15 amount for wilderness, a certain amount for off-road
16 vehicle? And then the off-road vehicle is then
17 supplemented by these state funds? Is that what you
18 were trying to represent?

19 IRA LONG: Yes.

20 COUNCIL MEMBER ELLIS: I see.

21 DISTRICT MANAGER SALT: No. What the chart
22 represents -- and, by the way, all those charts are in
23 the package that was distributed at the last council
24 meeting. So you all have those, so you can review them
25 in more detail later.

1 The three bars that are -- the recreation bar
2 is appropriated funds. The wilderness bar is
3 appropriated funds. And the OHV bar is grant money.

4 What he was trying to demonstrate was that we
5 manage the recreation program, which includes the
6 wilderness aspect of it as well as the motorized aspect
7 of it, out of this large pot of money. And about one-
8 third of that pot of money comes through the grant
9 program.

10 CHAIRPERSON ANDERSON: I have a question for
11 you.

12 So how does all that money meet your needs for
13 what needs to be done in the recreation area? Is that
14 enough? Is it adequate? How do you --

15 IRA LONG: Well, I think you can always use
16 more. I think one of the things we are going to have to
17 do is tie the money to project specific -- tie back the
18 projects.

19 One of our problems now is that the majority,
20 probably about -- probably a million dollars of that
21 money is for labor. And we would like to somehow wean
22 staff off of the Green Sticker program for labor and
23 direct it more towards specific projects.

24 CHAIRPERSON ANDERSON: What's the labor
25 currently for?

1 IRA LONG: The labor pays for our outdoor
2 recreation planners, it pays for park rangers, and an
3 enormous portion of law enforcement.

4 COUNCIL MEMBER KEMPER: Tim, we may be being
5 redundant. But I think's so important, if you would
6 once again take a minute. I know we did it yesterday
7 when we were out on the tour.

8 It was a big eye opener for me when I found out
9 what the budget was when the plan was established in
10 1980, and the schedule for the budget, and what in
11 reality we have. Because I know that everybody gets
12 really tired of hearing, "We just don't have the money."
13 And I think it's important that they understand that the
14 plan is far more reaching than today's budget.

15 DISTRICT MANAGER SALT: Did you bring the chart
16 with you that I gave you?

17 COUNCIL MEMBER KEMPER: You know, I didn't.
18 I'm sorry. It's probably out in the pick-up.

19 DISTRICT MANAGER SALT: Well, after our meeting
20 in -- on June 1st relative to the NECO plan, Ron and I
21 had a discussion about what it was going to cost to
22 implement that plan. And that moved to a discussion of
23 implementation of the California Desert Plan.

24 The last chapter in the California Desert Plan
25 is about implementation. And it projects a budget

1 needed to implement the California Desert Plan as it's
2 laid out. That budget is projected from 1980 to 1990.
3 And in 1990 it shows a budget of something over a
4 hundred million dollars.

5 Our current budget is, depending on which
6 things -- you know, if you include fire and those kind
7 of things in the budget. But our current budget is less
8 than a quarter of that.

9 And, certainly, you know, as a manager, we
10 always are reluctant to say, if we only had more money
11 and more people. Because we know that's not going to
12 happen. But, you know, the reality is, we can't produce
13 the things we committed to in the California Desert Plan
14 if those things aren't funded.

15 COUNCIL MEMBER ELLIS: I know that we were --
16 we got a tour yesterday of different off-road vehicle
17 areas -- or one of them, I guess, is not an off-road
18 vehicle area, per se, but this Rand Mountain Management
19 Area.

20 And I know a lot of volunteer energy and
21 departmental energy has been spent, or money has been
22 spent, on that area over a number of years. And we saw
23 a lot of quite successful rehabilitation.

24 And now we are embarked on a series of desert
25 plan amendments which are going to require a lot more

1 law enforcement, a lot more money for route
2 rehabilitation, and obviously a lot more money for
3 monitoring of one type or another.

4 And it seems to me now is not the time to keep
5 saying, well, we know we are not going to get more
6 people, or we know we are not going to get more money.
7 Now is the time to say: How much? You know, when we
8 are doing these planning efforts, it's also the time to
9 say: How much?

10 So if we say, well, I think for the good of the
11 tortoise or for the good of the natural resources or for
12 the good of just whatever we are doing -- we say we need
13 to close 60 percent of the routes. And we need to say,
14 well, a comparable area over the last ten years, when we
15 have fairly successfully managed the project, something
16 like that, it cost us 3 million.

17 I don't know what it cost. But let's say what
18 it did. And let's be able to add it up. And let's go
19 forward with our eyes open. Because we want a real
20 plan, not a plan which is sort of a pie-in-the-sky plan.

21 If we, as a council, need to get behind the BLM
22 on a real plan and the cost for the real plan -- and
23 that might not include all federal money. Yesterday, we
24 saw the county come in with some law enforcement
25 contributions on some of these things.

1 Let's put it on all the table, and let's get
2 behind something we can support.

3 COUNCIL MEMBER CASEBIER: Tim, when the
4 California Desert Plan was developed, it incorporated
5 just that, as I remember it. It had the cost.

6 DISTRICT MANAGER SALT: Yes.

7 COUNCIL MEMBER CASEBIER: And it had a very
8 aggressive council.

9 DISTRICT MANAGER SALT: Advisory council.

10 COUNCIL MEMBER CASEBIER: Advisory council
11 behind it, just like you suggest. And I don't think
12 there was ever a time when BLM received the funds that
13 they said they needed to implement the plan that the
14 council agreed they had to have, is that correct?

15 DISTRICT MANAGER SALT: That's correct.

16 COUNCIL MEMBER CASEBIER: So they did all that;
17 and it came for naught.

18 COUNCIL MEMBER ELLIS: Try and try again.

19 COUNCIL MEMBER KEMPER: Actually, I probably
20 shouldn't speak for Bob. But I think what he was saying
21 is, there is not a cost analysis for the amendments.

22 DISTRICT MANAGER SALT: There is not a what?

23 COUNCIL MEMBER KEMPER: Cost analysis for the
24 amendments. We don't know what they are going to cost.
25 In other words, they are hard to budget if you don't

1 have an understanding of what the projected
2 implementation costs are.

3 But I guess you guys have gotten to the point
4 or as -- we can't ever -- we are never, ever going to
5 get enough budgeted, so let's not worry about -- I don't
6 know.

7 You know, as a manager of businesses, this
8 whole process seems completely backwards to me. It
9 would seem to me that we would have a budget, and we
10 would build a plan that would fit within the budget.
11 And that way, we wouldn't be defending ourselves to the
12 public or defending ourselves on lawsuits because we
13 haven't implemented portions of the plan which we don't
14 have the money to implement.

15 CHAIRPERSON ANDERSON: Do we have any public
16 comment on this presentation? I would like to take that
17 now, if you are so inclined.

18 Please, when you come up to speak, I would like
19 to limit it -- really, I would like to limit it to three
20 minutes. And if you can state your name for the record,
21 please.

22

23 PUBLIC COMMENT

24 JERI FERGUSON: Jeri Ferguson, California
25 Association of Four Wheel Drive Clubs. I would like to

1 make a clarification on the OHV funds and the open
2 areas.

3 First off, there are more uses in the open
4 areas just besides off-road use. El Mirage supports the
5 racing that they do out there. There is hang gliding,
6 gyrocoptering. Everybody benefits from the OHV funds.

7 The second thing is, this past year, there has
8 been numerous funds to protect archaeological sites,
9 petroglyphs, to rehab wilderness roads going into
10 wilderness. There is a major portion of money being
11 spent there, too, out of the OHV funds. The money is
12 not just going for acquisition or for O & M. Thank you.

13 RON SCHILLER: Ron Schiller, High Desert
14 Multiple Use Coalition. I would just like to point out
15 with the last presentation, that it overlooks many other
16 aspects of OHV recreation.

17 For example, I am an equestrian user. And
18 equestrian users require vehicular support for access
19 for our trailers to get to points to unload and ride.
20 Many of the groups have Poker Rides, which are little
21 fund raisers around. You have to have vehicular access
22 for the support vehicles, for soft drinks, to distribute
23 the carts for the riders and the participants.

24 A third item is endurance rides. You have to
25 have vet checks for the safety of the horses. You can't

1 have those vet checks without vehicular support.
2 Endurance riding now is banned from -- even though it's
3 equestrian based, it's banned from wilderness areas
4 because it's a competitive event. So our access to
5 these other areas are extremely important.

6 Additionally, long distance events require
7 vehicular support. Every year, we have the -- a long
8 distance ride to Death Valley during the Death Valley
9 Encampment. They leave from here in Ridgecrest, and
10 they end up in Furnace Creek. Along the way, you have
11 to have feed, you have to have water, you have to have
12 other support vehicles. Those all fall under the new
13 OHV strategy as OHV activities.

14 We have gem and mineral collectors. Rocks are
15 heavy. I don't need to say any more.

16 Sportsmen, we have guzzlers out there that we
17 maintain. You have to have vehicular access. Water is
18 heavy.

19 In addition, Ridgecrest is very dependent upon
20 tourism. We have a very limited economy base here. One
21 is, every spring, we have wild flower people coming out
22 to see the wild flowers.

23 If you go out off the pavement to see the wild
24 flowers, you are an OHV enthusiast, by your own
25 definition under the new OHV strategy. I would like to

1 point that those things are very important, and that
2 those things need to be considered, in addition to the
3 folks with the motorcycles and the dune buggies. Thank
4 you.

5 STAN HAYE: I am Stan Haye. And I just had one
6 question: That graph showed apparently a breakdown of
7 income to the BLM for Wilderness and Recreation and OHV,
8 right, those three divisions?

9 And it seems to me that a lot of that money for
10 recreation actually goes to OHV. For instance, law
11 enforcement, a lot of that is due to OHV activity, so on
12 and so forth. Could I have a breakdown of how much of
13 the recreation goes to non-motorized recreation?

14 CHAIRPERSON ANDERSON: I think that was sort of
15 a question. I don't know if we are able to answer that
16 at this point. But --

17 IRA LONG: At the present time, I am not, other
18 than what I showed with the wilderness budgets.

19 STAN HAYE: Doesn't some of the recreation
20 money go to motorized recreation?

21 IRA LONG: Yes, it does.

22 STAN HAYE: What percentage goes to
23 non-motorized recreation?

24 IRA LONG: I don't know. I can't tell you that
25 right now.

1 LOWELL LANDOWSKI: There was an earlier
2 question about how we allocate funding for the Green
3 Sticker for the off-highway vehicle grant program. My
4 name is Lowell Landowski, and -- the State of California
5 Off-Highway Motor Vehicle Recreation Division. And I am
6 the grants administrator for the Southern California
7 Region.

8 And the answer is, we give as much money as we
9 can possibly afford to give. We have a set block amount
10 of money that the legislature appropriates for grants.
11 And then we allocate it out. And basically we give as
12 much as we possibly can, based on the need and the
13 amount of use, the demands, the issues.

14 And on the tour yesterday, it was hard.
15 Because even though we give as much as we can, we just
16 can't give enough to meet the needs of BLM to properly
17 manage these areas. Even our better-managed areas, like
18 the Rands, there were still problems that because of
19 inadequate staff or funding, whatever, we couldn't fully
20 address.

21 So I kind of want to echo what Mr. Ellis said
22 that we really need -- everyone in the multiple use and
23 conservation, preservation community, needs to get
24 together and lobby Congress, urge the legislature to
25 appropriate adequate funds to properly manage our public

1 lands.

2 Because the State does the best it can. But we

3 cannot do it alone. We need more help from the federal

4 government to properly manage this precious natural

5 recreation and environmental legacy that we all want to

6 preserve.

7 MARY ANN HENRY: I am Mary Ann Henry. And I am

8 from the Off-Highway Vehicle Commission.

9 CHAIRPERSON ANDERSON: Would you speak into the

10 mic, please?

11 MARY ANN HENRY: Better?

12 I learned from the OHV Commission a few years

13 back that a large proportion of the money in the OHV

14 fund comes from everybody who buys gas at the pump. And

15 I didn't hear you mention that source of funding from

16 people who buy gas at the pump. Is this no longer true?

17 COUNCIL MEMBER DENNER: It never was true.

18 MARY ANN HENRY: The Commission told me it was.

19 COUNCIL MEMBER DENNER: There is a formula that

20 determines how much gas is burned by off-road vehicles

21 who should not have to pay road tax. So part of the gas

22 tax money that is collected is apportioned to the Green

23 Sticker fund to represent that amount of fuel that is

24 burned off road and not on road.

25 MARY ANN HENRY: I can help determine...

1 JEANNIE HAYE: I am Jeannie Haye. Can you hear
2 me all right? Thank you.

3 As a member of Friends of Jawbone and also an
4 environmental activist, I want to second the very good
5 suggestion that we do all we can to get funding for BLM
6 so that they can obey the laws. They can't always do it
7 because of funding.

8 If we could get more funding for them, they can
9 obey the laws. We might not disagree as much as some of
10 us do. And we could get on with other business.

11 It's hard for them to set priorities. It would
12 be very good if they didn't have to spend so much time
13 setting priorities and could spend more time obeying the
14 law, which I think many want to. Thank you.

15 DOUG PARHAM: Doug Parham, P-a-r-h-a-m. I am a
16 land owner, and I -- in the desert. And I see a lot of
17 off-highway vehicle -- I call it abuse, where the
18 hillsides are turned into hill climbs. And I talked
19 with a lot of people that want vehicle access to the
20 desert.

21 And, in fact, I am sitting on the West
22 Mojave -- I visit the West Mojave Group. And we are
23 going through the vehicle access designation now. And
24 after hearing the gentleman talk about how horsemen need
25 vehicle access, in my mind, there seems there should be

1 two types of vehicle access.

2 One, when you just need to get to the desert in
3 your car, and another one be called motor vehicle sports
4 access, where you really want to go in and race your
5 vehicle or have a challenging route. Because I think
6 the two terms and the two population bases -- user bases
7 have distinct needs that could be met in two different
8 ways. Thank you.

9 CHAIRPERSON ANDERSON: I want to just make sure
10 that we are framing our comments now on Mr. Long's
11 report. So if you have specific comments on his report,
12 this is the appropriate time for those comments. We
13 will have plenty of time this afternoon for generalized
14 comments on these issues.

15 VICKY WARREN: Mine are directed to that. I am
16 Vicky Warren with the American Sand Association.

17 My first question is, you said 42.1 percent of
18 the funds went to acquisitions. I would like proof of
19 what acquisitions you are talking about. I have never
20 seen any roads bought for our use. Are you saying that
21 this was for us?

22 IRA LONG: Yes.

23 VICKY WARREN: Then you will have to show me
24 that in writing, if that's possible?

25 IRA LONG: We can put something together for

1 you.

2 VICKY WARREN: How soon?

3 IRA LONG: That's a good question.

4 CHAIRPERSON ANDERSON: Is that information

5 available on a web site that you --

6 IRA LONG: It's not really available. This has

7 been bought over the last twenty years throughout the

8 California desert. I am just going to take some time --

9 VICKY WARREN: The 42.1 percent covers the last

10 20 years, is what you are saying?

11 IRA LONG: Yes.

12 VICKY WARREN: Okay. So how soon?

13 IRA LONG: That's a good question. I am going

14 to have to --

15 CHAIRPERSON ANDERSON: Why don't you two sort

16 that out?

17 VICKY WARREN: We will talk about that later.

18 The Green Sticker funds only go to OHV use, or

19 is that -- does some of the Green Sticker funds -- I am

20 a little foggy on some of this. Did some of it go to

21 wilderness and some of it go to recreation, or -- when I

22 pay my Green Sticker fees, is it all going for my fund?

23 IRA LONG: The funds received go for a number

24 of activities. The majority of funds that we receive go

25 for opportunity. And that opportunity can go for

1 resource protection. I mean, it can go for development,
2 building a road. It can go for restoration or rehab
3 going into a wilderness area. It can go for T & E
4 species monitoring. It goes for a number of things.

5 VICKY WARREN: Not necessarily OHV.

6 IRA LONG: It goes for OHV opportunity, also.
7 Imperial Sand Dunes --

8 VICKY WARREN: That's not the same.

9 CHAIRPERSON ANDERSON: Can you talk into the
10 mic, please?

11 VICKY WARREN: I don't know. But I assume that
12 a lot of the other off-footpath users aren't buying
13 Green Sticker fees so they can walk in the wilderness,
14 am I right? I mean, I am just confused. I just need
15 clarification.

16 IRA LONG: Well, currently, there is not a
17 program set up that we can apply for like a Green
18 Sticker program for that type of use.

19 DISTRICT MANAGER SALT: Can I try to answer
20 that? The state legislation that provides for the
21 off-highway vehicle grant fund has some very specific
22 criteria for which you can apply, and rest assured that
23 the high level of scrutiny the State and the State OHV
24 Commission puts on that all of our grants satisfy those
25 requirements.

1 Some of that money is not spent directly in
2 off-highway vehicle areas. But it certainly satisfies
3 the requirements that are laid out in the regulations,
4 the State regulations administering the grant programs.

5 VICKY WARREN: What regulation number is that
6 that sets those out?

7 IRA LONG: I am not --

8 AUDIENCE: I will give you my card, and maybe I
9 can help answer the question.

10 VICKY WARREN: Okay. Okay. I only have one
11 other -- I just want to clarify again -- I know this
12 point was already gone over -- but just confirm that law
13 enforcement has nothing to do with route designation.

14 I don't want to see these things changed
15 because the BLM doesn't have the management power to
16 manage the lands or use their law enforcement officers
17 out there. I don't want to see any roads change, I
18 guess, just because you can't be there.

19 I am just confirming that that's -- I don't
20 know why. But it was on your chart. And it concerns me
21 that it was even on your chart, when that's not what we
22 are talking about. We are talking about route
23 designation, not law enforcement issues.

24 IRA LONG: Okay.

25 MARTY KOPPEL: Marty Koppel. And I am from

1 California City. I am a land owner there, and also I
2 have been trying to promote California City to work a
3 little closer with the off-road people, so we can get
4 some mutual benefit.

5 And what I have noticed is that there are areas
6 in California City that -- I call them play ground, play
7 areas, whatever -- that are kind of favored areas for
8 the off roaders.

9 CHAIRPERSON ANDERSON: Mr. Koppel, this comment
10 period is specifically --

11 MARTY KOPPEL: I am getting to it.

12 CHAIRPERSON ANDERSON: Okay.

13 MARTY KOPPEL: But there are certain areas that
14 are favorites for the off-roaders. And I would think
15 that some of that Green Sticker money or some kind of
16 money would be spent on taking those areas where -- that
17 are most beneficial for the off-roaders to have fun on
18 and purchase those areas.

19 I wonder if you work together with the off-road
20 community to identify and purchase those areas with the
21 Green Sticker money, which I think would be an
22 appropriate use?

23 IRA LONG: Yes, we do, sir. I would say if you
24 have a concern, I would say work with your local
25 Ridgecrest office through Mr. Hector Villalobos, the

1 field manager, and take a look at that area and see if
2 we want to put a grant to acquire that property.

3 JULIE ALLEN: My name is Julie Allen. I am
4 from San Diego. And I am the vice chair of the San
5 Diego Off-Road Coalition.

6 I just have one question for you. And I
7 apologize if I didn't catch it. What part of your
8 graphs and what part of your income was attributable to
9 user fees? Was it indicated there?

10 IRA LONG: The recreation fees? I mean -- I
11 guess I don't understand your question. You said user
12 fees?

13 JULIE ALLEN: User fees. So that's what you
14 meant by "Recreation," the "Recreation" column. That's
15 everything you collected down at Glamis and --

16 IRA LONG: No, that's not included at all.

17 JULIE ALLEN: You didn't include the user fees
18 anywhere in those graphs?

19 IRA LONG: No.

20 JULIE ALLEN: Thank you.

21 JIM DODSON: I am Jim Dodson. I am a director
22 of the California Desert Protection League.

23 I have a different perspective on what I heard
24 in the back room earlier, which was just mentioned
25 again, the fact that law enforcement is not directly

1 relevant to route designation.

2 I'm sorry. That completely just leaves me
3 puzzled. Route designation is a discretionary act. It
4 seems to me that the practicality of the routes -- that
5 includes the ability of the agency to manage them --
6 should be a direct consideration in any designation of
7 routes.

8 And the fact that it doesn't is just creating
9 another opportunity for failure. There was a great deal
10 of applause here a few minutes ago when somebody made
11 the point that we should have a budget and then develop
12 plans for it. It seems to me the same thing includes
13 route designation. If you don't have the resources,
14 don't create the problem. Thank you.

15 CHAIRPERSON ANDERSON: Okay. Any other public
16 comment before we move on to the next agenda item?

17 Great. We are now going to have a report on
18 the "Off Road to Ruin" document. And we are going to
19 have a dual presentation. It's going to take a second;
20 because we need to move the podium back up to the front
21 of the room.

22 At this time, I would like to also take the
23 opportunity to remind all of us here in this room that
24 we are here for problem solving. And even though I know
25 that this is a contentious issue and involves a lot of

1 emotion, what I hope to see here today is constructive
2 comments on these issues.

3 And I certainly won't stand for any personal
4 attacks, something like what we heard this morning. I
5 just don't think it's any solution-oriented comments.
6 And I would certainly appreciate it if you keep your
7 comments to the issue and not to different people's
8 world view.

9 DISTRICT MANAGER SALT: Let me try to set the
10 stage for this discussion. At the last council meeting,
11 Roy brought up the issue of the "Off Road to Ruin"
12 report and asked council if they would like to take the
13 action as a council in response to that report?

14 The discussion that we have had since lunch has
15 been to kind of set the stage for the manner in which we
16 manage off-highway vehicles in the California desert.

17 When this report was published, certainly BLM
18 had some concerns with the issues in there as well and
19 some of the references. But I think that what we want
20 to do today is hear from the authors of the report, and
21 then hear from the off-highway vehicle community about
22 the report, to get kind of a balanced perspective on
23 what's in the document and how that relates to what is
24 on the ground.

25 The purpose of yesterday's field trip was to

1 look at two areas that are cited in that report: The
2 Jawbone-Dove Area, which is cited as an area where we
3 continue to have problems, and the Rand Mountains, which
4 is cited as an area where we have had some successes.

5 Wanted to make sure that you all had an
6 opportunity to see both of those, which is why we had
7 the meeting in the northern part of the desert. There
8 is no other place in the desert where we could have the
9 opportunity to see examples of both sides of the
10 argument, you know, in close location to one another.

11 With that, this is another one of those issues
12 that -- where BLM won't be making the presentation. To
13 start off will be Paul Spitler, who is the executive
14 director of the California Wilderness Coalition, who
15 published the document. He is also a commissioner on
16 the State Off-Highway Vehicle Commission. And so he has
17 kind of a unique perspective.

18 And following his presentation will be Jim
19 Bramham, who is the past president of the California
20 Association of Four Wheel Drive Clubs and a past
21 Commissioner on the State OHV Commission.

22 And he is a current member of the Imperial Sand
23 Dunes TRT. So, again, I think Jim brings a good
24 perspective to this, as well. So with that, I will turn
25 it over to Paul, who handles the case for the Wilderness

1 Coalition.

2

3 "OFF ROAD TO RUIN" REPORT

4 PAUL SPITLER: Can you all hear me all right?

5 Well, I -- my name is Paul Spitler. As Tim said, first
6 of all, I would just like to start by thanking Madam
7 Chair and the members of the commission for not only
8 having me here today, but also for the outstanding tour
9 that we did yesterday.

10 I thought it was very educational and
11 informative. And before I give my presentation on our
12 report, I would like to -- I would like to make a few
13 confessions. When we started this tour yesterday, my
14 good friend Ed Waldheim, who you know is the president
15 of CORVA, the off-road vehicle association, asked me if
16 I would like to go and ride in his dune buggy?

17 My first thought was, well, sure. I am going
18 to get in that thing. You are going to go driving off a
19 cliff.

20 So he said, no, you are driving.

21 So I said, okay. My first confession is, I
22 have never actually driven a dune buggy before. So we
23 were pattering along in the desert on the trails and so
24 on.

25 And Ed said, you know, you can speed up a

1 little bit. So we opened it up a bit, and we had some
2 fun. Of course, those of you who know Ed know that he
3 was chattering the entire way. Of course, any time I
4 opened my mouth to speak, I was bouncing so hard, I
5 couldn't get a word out.

6 But the second confession I have to make is
7 that it was kind of fun, actually, kind of had a good
8 time out there.

9 And the final confession is that, you know, Ed
10 was chattering on the whole time. And I was trying my
11 best to listen without steering off the road and killing
12 us both. But I found that, as I often do traveling with
13 Ed, I had a lot of -- I agreed with a lot of things that
14 he was saying.

15 You know, despite how polarized this issue is
16 and has and will be, there is a lot of areas of
17 agreement between the off-road enthusiast community and
18 the environmental organizations. And I am hoping that
19 we can spend some of our time talking about some of
20 those areas today.

21 The California Wilderness Coalition, for those
22 of you who don't know, is a non-profit organization
23 located in Davis, California. We just celebrated our 25
24 year anniversary. We have been around for the past 25
25 years advocating for additional wilderness in

1 California.

2 We have been involved with a number of
3 state-wide regional campaigns in the last 25 years in
4 order to improve environmental stewardship of public
5 lands throughout the state.

6 My personal background is, I have been
7 executive director of the coalition for going on four
8 years now. Prior to that, I worked for a variety of
9 environmental organizations and got a degree in geology
10 at University of California at Davis.

11 Of course, getting a degree in geology does
12 give you a different perspective on time, and you do
13 develop a long-term view of land and land use and
14 impacts, what those impacts mean.

15 I also serve on the Off-road Vehicle Commission
16 and -- the State of California Off-Highway Motor Vehicle
17 Recreation Commission is the actual title. The
18 commission is responsible for overseeing grant programs
19 to the federal agencies that manage public land use, the
20 Forest Service and the Bureau of Land Management.

21 Since I have been on the commission in January
22 of 2000, I have, along with my other commissioners, have
23 voted to appropriate \$17 million to off-road vehicle
24 management of public lands for everything from routine
25 trail maintenance to toilets, parking lots, paving

1 parking lots, conservation, monitoring, law enforcement.

2 You name it, we have supported it.

3 And the commission has a long history of
4 working with the BLM and Forest Service on funding their
5 programs. It's a productive partnership that has been
6 around for a long time. And we hope it will continue to
7 be so in the future.

8 The report that we produced, "Off Road to
9 Ruin," which was produced in March of this year, was --
10 the original concept for the report dates back over a
11 year. And we had been getting increasing concerns and
12 complaints from our members about the impact of off-road
13 vehicles on public lands in California, both impacts in
14 terms of impacts to outdoor recreationists, hikers, and
15 cross country skiers, and equestrians and people who use
16 the trails, and concerns from others who saw soil
17 erosion and trespass in the wilderness.

18 And these concerns kept coming into our office.
19 And we decided about a little over a year and a half ago
20 that it was time for us to take some action and try to
21 see how serious some of these problems were.

22 So we submitted Freedom of Information Act
23 requests to each Forest Service and BLM office
24 throughout the state, and received back in response
25 about 15 boxes of material regarding every aspect of

1 off-road vehicle management in California.

2 We asked very specific questions. What are
3 your law enforcement problems? How many citations have
4 you been issuing? Do you have trespass issues? Do you
5 have documented soil damage? Do you do monitoring of
6 off-road vehicle impacts? You know, what's being done
7 to address those problems? Do you have user conflicts,
8 et cetera.

9 And we actually had to hire a researcher to
10 wade through all these documents. We got so much
11 information back, we couldn't -- didn't know what to do
12 with it all. So we hired a researcher to pour through
13 literally thousands and thousands of pages of documents,
14 and asked them to compile some findings for us.

15 And the findings that were compiled actually
16 served as the basis for the report. Really what we
17 found through pouring through all of these documents was
18 that the problems associated with off-road vehicle use
19 in California and on California's public lands were
20 widespread and severe, occurred just about everywhere an
21 off-road vehicle use took place and, really, were not
22 being properly addressed by the federal land management
23 agencies.

24 So based on those findings, we thought the best
25 way to bring those issues to light and ensure that

1 off-road vehicle management in California received
2 proper attention, we decided to put those findings out
3 in our report, which we actually titled, "Off Road to
4 Ruin."

5 The report is, as I mentioned, exhaustively
6 researched and well documented. We cited over 239
7 references in the report's bibliography, numerous
8 scientific studies, conversations with individual
9 experts, BLM and Forest Service documents, and similar
10 type findings.

11 The major issues that we identified in the
12 report -- in the report, we -- the quick overview, we
13 identified 15 problem areas across the state. These
14 were areas where the problems associated with off-road
15 vehicle use are well documented, well researched, and
16 have existed for quite some time, and unaddressed, in
17 our opinion.

18 The major problems that we identified in the
19 report was, four major problems seemed to come up time
20 and time again, regardless of the place that we looked.

21 Wilderness enclosed area trespass was a major
22 problem. 46 wilderness enclosed areas across the state
23 we documented have evidence of trespass within the past
24 year by motorized vehicles, including 31 down here in
25 the California desert.

1 Despite that, according to the information
2 provided to us by BLM, in 1999, the BLM issued only ten
3 citations for closed area violations for the entire
4 year. So whether you are talking about snowmobiles in
5 John Muir Wilderness or jeeps in the Golden Valley
6 Wilderness, the issues with wilderness enclosed area
7 trespass were what we would categorize as widespread.

8 Another major problem was route proliferation.
9 Many of us -- those of you who were on the field trip
10 yesterday saw first hand the problems with keeping dirt
11 bikes and other off-road vehicles on a designated route
12 system.

13 In the Rand Mountains, of course, we saw
14 numerous routes criss-crossing throughout the desert.
15 Same with the Jawbone Butterbreddt AC/EC and other areas.
16 And the problems with route proliferation, of course,
17 many times stem from a lack of law enforcement.

18 That was another major finding that we
19 determined was that the law enforcement issues related
20 to off-road vehicles are quite severe; yet the funding
21 for law enforcement and the management capabilities of
22 the agencies and the counties to adequately enforce
23 off-road vehicle laws were quite lacking.

24 As an example, in the northeast corner of the
25 state, Eagle Lake Field Office of BLM, we recently

1 learned that a single ranger has the responsibility for
2 overseeing 1 million acres of public land. And we
3 wonder why there is so many problems with vehicles
4 traveling off designated routes up there.

5 There was also a number of areas where user
6 conflicts were quite severe. There was, you know,
7 untold stories of cross-country skiers coming across
8 snowmobiles in areas where they didn't belong,
9 motorcycles on hiking trails.

10 The Pacific Crest Trail down here in the
11 California desert is a great example where dirt bikes
12 continue to use a portion of the trail that's closed to
13 them, causing impacts to hikers. We had, you know, a
14 number of stories from hikers and equestrians being run
15 off the trail, being scared off the trail, having their
16 impact -- having their outdoor recreation experience
17 negatively impacted by motorized vehicles.

18 And the final problem we identified was damage
19 to soils and vegetation and wildlife habitat. The soil
20 damage in many areas is irreversible. Jawbone happens
21 to be one of those areas, and Dove Springs vegetation
22 trampling.

23 We -- in the report, we pointed out five
24 species of wildlife and plants and did case studies of
25 those species where those species are heading towards

1 extinction. The desert tortoise is one of them, the
2 flat tail horn lizard, San Benito evening primrose are
3 others.

4 Those species are heading towards extinction.
5 And one of the causes, if not the leading cause, of
6 those extinctions is the use of motorized vehicles.

7 In the California desert, we focused on five
8 areas down here. And I am not going to say too much
9 about them in detail. We actually saw two of the areas
10 yesterday, Jawbone and Dove Springs, while we were on
11 the tour. And there was three others that were
12 mentioned. I won't say much about them. If you want, I
13 am happy to answer questions about those areas.

14 But the five areas that we focused on down here
15 in the California desert was the Algodones Dunes -- I
16 think many of you have worked on off-road vehicle
17 issues, are quite familiar with the dunes and the
18 problems associated there. Despite the recent changes
19 in management of the dunes, we still have concerns over
20 how the areas were managed, and a number of others do,
21 as well.

22 The Ord Mountains was another area where we
23 cited problems, the route proliferation being the major
24 problem in the Ord Mountains. The BLM has documented a
25 28 percent increase in mileage of unauthorized routes

1 from the years 1977 to 1989. A lot of that, that
2 increased mileage, occurs in desert tortoise habitat and
3 other sensitive areas.

4 Jawbone and Dove Springs was another area that
5 we cited as problematic. And the reports on the
6 scientific evidence on the damage at Jawbone is
7 longstanding. Dr. Howard Wilshire is here with us
8 today, and has cited studies as far back as the late
9 '70s and early '80s documenting the extreme soil erosion
10 problems in these areas, the irreversible damage to
11 soils, and the fragile habitat of Jawbone and Dove
12 Springs.

13 And the final problem we identified in the
14 California desert was the continued degradation of
15 archaeological sites. BLM reports still identify
16 numerous sites that continue to be degraded by off-road
17 vehicles throughout the California desert. I won't go
18 into those sites here.

19 But the problem is still categorized as
20 widespread and severe in many areas. Comprehensive
21 inventories have still not been completed of
22 archaeological resources. And geoglyphs and petroglyphs
23 in the California desert continue to be lost by off-road
24 vehicles riding on those routes.

25 The final area we mentioned in the California

1 desert was the Rand Mountains, which we did visit
2 yesterday. It cited this as a positive example area
3 where we commended the BLM for doing a good job to
4 address conflicts with our -- excuse me -- problems
5 associated with off-road vehicles.

6 There are attempts to designate a route system,
7 to maintain riding on those designated routes. To
8 enforce that system, we thought it was a very positive
9 example. Certainly, we still have concerns over how the
10 Rands are managed and how well the route system is being
11 complied with.

12 But we think it's a good example of how
13 off-road vehicles should be managed and something that
14 we can look at as, you know, an opportunity for the BLM
15 to repeat the same type of management throughout the
16 rest of the California desert.

17 I would like to just focus the rest of my
18 comments here on the recommendations that we made in the
19 report. One of the, you know, criticisms -- and I think
20 it's a fair one often made of environmental
21 organizations -- is that we are always against things.
22 We always say "no" to this and that, and we never say
23 what we are for.

24 So we didn't fall into that trap in this report
25 and say that off-road vehicles are bad and, you know,

1 not come up with some positive alternatives to manage
2 off-road vehicles and to address the problems associated
3 with off-road vehicles.

4 I guess I should start this description of our
5 recommendations by saying that despite what you might
6 have heard, that nowhere in the report do we call on a
7 ban on off-road vehicles on public lands. Nowhere do we
8 say they should be banned, in particular, in any major
9 component of public lands in California.

10 You know, of course talking to the press when
11 this report came out, the press always want to cut right
12 to the chase and say, all right, so, what's the bottom
13 line here? Do you just want to ban all off-road
14 vehicles?

15 And they want to pigeon hole you in that corner
16 as quickly as possible. And I was forced to respond to
17 that question numerous times. My response was always
18 the same: California is a big state. We have over a
19 hundred million acres of land in California.

20 There is plenty of room for everyone to
21 recreate here. There is plenty of room for people to
22 enjoy the peace and quiet of the great outdoors, and for
23 people to enjoy the outdoors on their dirt bikes and
24 jeeps and other -- dune buggies, like I enjoyed
25 yesterday, and other off-road vehicles.

1 Nowhere do we call for a ban of off-road
2 vehicle use. We made actually very specific
3 recommendations, which I will walk through here quickly,
4 that we think will address the impacts associated with
5 off-road vehicle use.

6 I should also note before I go too far into
7 this, that I think a lot of these recommendations are --
8 I think there is a lot of agreement on a number of these
9 recommendations. The BLM in their response to our
10 report said as much. They said we agree with a number
11 of the recommendations.

12 Ed Waldheim has told me as much, that we do
13 have a lot of areas of agreement in terms of how
14 off-road vehicles should be managed and the reforms that
15 we should be making in off-road vehicle management
16 throughout California.

17 So the -- we recommended 15 points of reform.
18 Five applied to the federal lands, five applied to the
19 state legislature, and five applied to the state
20 administrative agencies, particularly the off-road
21 vehicle division.

22 On the federal side, our primary
23 recommendation, one that always tops my list, is to
24 designate a map of legal riding routes. This is what
25 the BLM is attempting to do throughout the California

1 desert. Our recommendation to that is determine where
2 use is appropriate, and make those determinations
3 through environmental analysis.

4 Too many times throughout California, what we
5 have seen is riding allowed either openly or
6 indiscriminately, or riding limited to routes without
7 any environmental analysis to determine whether or not
8 those routes are appropriate for off-road recreation.

9 And we think the type of approach that the BLM
10 is taking down here in the California desert, when you
11 do an environmental analysis, it includes not only the
12 need to recreationists but the impacts to wildlife,
13 squirrels, vegetation, sensitive species, et cetera,
14 user conflicts, private land trespass. Addressing those
15 types of issues through analysis is the way to go.

16 We also recommended extensive monitoring,
17 monitoring the damage associated with off-road vehicle
18 use, and amending management pending the result of that
19 monitoring. This is an area where I am actually excited
20 to say we have made a lot of headway in the last two
21 years.

22 Since I joined the State Off-Road Vehicle
23 Commission a year ago, we started requiring monitoring
24 plans be included in every grant we gave out. And the
25 federal agencies, somewhat begrudgingly, have now

1 accepted that they need to do monitoring in order to
2 continue receiving state funding.

3 And now each federal agency and field office
4 has a monitoring plan for off-road vehicles. Those
5 plans are still being amended and modified. We are
6 still learning how to do this, since no one has ever
7 done it quite on this scale before. But I am really
8 excited to say that that monitoring is starting to take
9 place.

10 We also recommend eliminating off-road vehicle
11 use in undesignated wilderness areas. The California
12 Wilderness Coalition, as I mentioned, is an organization
13 that has advocated wilderness protection for those,
14 limited to California lands, that qualify for Wilderness
15 designation.

16 The state still contains a number of those
17 areas. And we think that those areas are appropriate
18 for non-motorized recreationists, such as cross country
19 skiing, equestrian use, et cetera. And we don't think
20 those areas are appropriate for motorized vehicles.

21 The final recommendation I think is something
22 we can all agree on, is enforce the law. And no matter
23 where you go and what issue you are trying to deal with
24 in terms of motorized vehicles, one issue comes back
25 continually, and that's law enforcement.

1 And it's very hard to make improvements in land
2 management if law enforcement isn't part of the
3 equation. And having an adequate law enforcement team,
4 I think, is really important for the agencies to address
5 off-road vehicles.

6 On the state side, we recommend a number of
7 things, including increased funding for conservation and
8 law enforcement. Part of this recommendation is already
9 being implemented at the state level. We are funding
10 more conservation and law enforcement to address the
11 problems associated with off-road vehicle use. And I am
12 proud to have been a part of the team that helped create
13 that change through my work on the Off-Road Vehicle
14 Commission.

15 Providing mitigation funding and non-motorized
16 buffers, we have numerous areas across the state where
17 sprawl continues to push up against popular off-road
18 recreation areas and creates an inevitable conflict
19 between the private land owners, who don't necessarily
20 want to hear dirt bikes buzzing around their house, and
21 the off-roaders who have used an area for quite some
22 time.

23 A classic example of this is up at Hollister
24 Hills, a state vehicular recreation area, where you have
25 vineyards now pushing development right up to the edge

1 of Hollister Hills, and the off-road state vehicular
2 recreation area pushing for an expanded trail system.

3 And the private land owners are saying, we
4 don't want a new trail system that close to our house.
5 We don't want to see -- you know, hear the vehicles. We
6 don't want the dust. And we think that some type of
7 buffers, non-motorized buffers, between the developments
8 and the off-road areas would be appropriate and helpful.

9 Increased fines for off-road vehicle-related
10 crimes. We heard yesterday that in the Rand Mountains,
11 even when an individual is caught breaking the law, the
12 fines start at a hundred dollars. And many, you know,
13 law enforcement people yesterday told us -- and we have
14 heard this before -- that, you know, many off-road
15 enthusiasts view this as simply a cost of doing
16 business.

17 Well, if that's -- the cost of doing business
18 is, you know a hundred dollars to ride your vehicle
19 wherever you like, we should increase the cost of doing
20 business and make the fine a sufficient detriment to
21 unauthorized illegal travel.

22 The other reforms that we suggest mainly
23 revolve around compliance with the law. We don't think
24 that the state should be funding federal agencies that
25 cannot ensure compliance with off-road vehicle laws and

1 regulations, except to bring them into compliance.

2 Protecting sensitive areas, not funding
3 projects that are going to exacerbate off-road vehicle
4 damage, but rather focusing on funding of areas where we
5 can improve the condition of the land today.

6 And respecting other land uses and -- excuse
7 me -- other land users, not funding areas where there is
8 intense conflict and where the state funding is being
9 used to -- in such a way that furthers those conflicts.

10 And the best example of this is an area in the
11 Stanislaus National Forest, where we have an area called
12 the Interface Zones, which probably gives you a hint
13 right off the bat that it's not a good area for off-road
14 vehicles, faced with a subdivision that's been there for
15 40 years.

16 And in recent years, through state money, the
17 Forest Service has allowed continued and expanded use in
18 this area to the point now that the homeowners are so
19 irate, that they have dust, you know, burying their
20 porches, and they can't hike the trails safely, there is
21 a proliferation of routes, we don't want the -- finally,
22 last year, the state said, we can't fund this area any
23 longer.

24 There is such intense conflicts, and we are
25 being held accountable for those conflicts. We want the

1 Forest Service to work to address the problems, rather
2 than have us to continue to fund this area of such high
3 conflict. So using the state funds to minimize those
4 type of user conflicts rather than maximize them.

5 We are actually doing a lot to try to address
6 these problems. Those of you who were on the tour and
7 anyone who has watched this issue at all over the last
8 few years knows how complicated off-road vehicle
9 management is. There simply are no simple answers.
10 There is no magic bullet.

11 If there was one, we would have used it a long
12 time ago, and we wouldn't be here with all the
13 outside -- enjoying the outdoors, rather than spending
14 our time here on a Saturday arguing about off-road
15 vehicle use. But there is a lot of progress being made
16 in a number of areas. And I would like to just talk
17 about -- talk about a few of those areas.

18 One thing that has happened in the past year,
19 the State Off-Highway Motor Vehicle Recreation Division
20 has created a stakeholders round table. This includes
21 representatives of the environmental community, the
22 off-road community, CORVA, AMA, all the established --
23 San Diego Off-Road Coalition -- Jim McGarvie is here
24 today, who is part of that group.

25 The state agencies, federal agencies, county

1 law enforcement, non-motorized recreation, equestrian,
2 et cetera, have all been meeting monthly over the past
3 year -- just actually at the last meeting celebrated our
4 one-year anniversary -- to try to hash out some of these
5 issues and try to find common ground.

6 There is work groups going to address soil
7 standards and prevention of excess erosion, to address
8 law enforcement needs, to address funding issues with
9 the state funding. And this has been a very good
10 process for everyone involved, so we can sit down and
11 work together to try to work out some areas of common
12 agreement on these issues and move forward on these
13 areas.

14 And I think we have made a lot of progress in
15 the last year. And the process continues to move
16 forward, and I think it will for the future.

17 One of the things that my organization has been
18 interested in, and we tried this year to move it forward
19 and were unsuccessful, is securing additional federal
20 appropriations for law enforcement and monitoring
21 activities. We tried in this year's budget process.

22 I don't think it's dead yet, but we will keep
23 trying. But I am not sure we will be successful this
24 year. But I am hoping that in the coming years -- you
25 know, these are areas that have really a lot of

1 bipartisan agreement. A lot of people agree that the
2 problems with off-road vehicle use, you know, through
3 better law enforcement and monitoring and conservation
4 can be addressed.

5 And I think both the off-road vehicle users and
6 the environmentalists as well as the federal agencies --
7 of course, when you talk about money, the federal
8 agencies, of course, would love to get more of it --
9 have a lot of agreement in this area. So we have been
10 working to try to secure additional appropriations and
11 will continue to do that into the future.

12 The State Off-Road Vehicle Commission has also
13 increased its funding for conservation and law
14 enforcement. I am not sure what the percentage increase
15 was in this past year. But a significant amount of our
16 resources now go to the federal agencies for law
17 enforcement.

18 We are getting grants to the counties now.
19 Kern County, who was there on the tour yesterday, is
20 receiving funding to put together an off-road
21 enforcement team, which is great, widely supported --
22 the funding for the monitoring that I mentioned earlier.

23 We are also increasing our funding for
24 activities like trail inventories. We just actually
25 this past week approved another half million dollars to

1 BLM to finish its trail inventories. We gave a grant in
2 the past week to the Pacific Crest Trail Association to
3 address illegal riding on the Pacific Crest Trail.

4 We have given a large grant to the Forest
5 Service, \$2 million, to complete a trail inventory on
6 Forest Service lands, as well -- knowing, of course,
7 that a complete trail inventory is one of the first
8 steps towards designating legal riding routes and
9 eliminating the unauthorized trails from the landscape.

10 So through this cooperative relationship with
11 the -- you know, working with the State Off-Road Vehicle
12 Commission, the off-road vehicle division, and the
13 federal agencies, as well as all of the constituents in
14 this discussion, I think we have begun to make a lot of
15 headway in addressing this issue.

16 I like to always tease the Bureau of Land
17 Management by telling them that we certainly agree with
18 the direction that they are moving, although we might
19 disagree about the rate of travel at which they are
20 heading there.

21 But we certainly don't have -- we do support
22 the direction as a whole that the BLM is moving,
23 particularly in the Cal desert. A lot of the things
24 that the BLM is doing is things that we have encouraged
25 for a long time. We would just like to see it happen a

1 little bit quicker. And hopefully our purpose is
2 pushing in that direction.

3 I guess I would like to finish with a quote
4 here. I was just reading the Letters section of the San
5 Diego Off-Road Coalition newsletter. And their May
6 issue has some interesting letters in it, one of them
7 called, "Morons and Hoodlums Visit the Desert."

8 And the author of this letter, a man from
9 Escondido, talks about an area that had been vandalized,
10 individuals threatened with physical violence, off-road
11 vehicle users riding in an area that was unauthorized
12 right in front of the private property owner.

13 And he concludes by saying that, "The
14 environmentalists are not our worst enemy. The enemy
15 are those who destroy and steal the property of others
16 and think that the rules are for everyone else but
17 them."

18 And I think that, you know, one of the things
19 that we learned on that tour yesterday was that there is
20 a lot of truth to that. And there is a lot of agreement
21 that off-road vehicle compliance and keeping riders on
22 designated routes is a significant problem and one that
23 I think we all agree on and want to work together on.

24 As I was riding with Ed, he mentioned to me
25 yesterday that just on the area that we had ridden, in

1 the Jawbone Butterbreedt area of Critical concern, there
2 was a total of 790 trail crossings where unauthorized
3 trails crossed legal routes. And he wanted to see those
4 areas addressed, you know, basically erased from the
5 landscape, similar to the work that the student
6 conservation area crew was doing.

7 And I couldn't agree with him more and, you
8 know, look forward to working with Ed and members of the
9 DAC and the BLM and the law enforcement agencies to
10 address those problems and ensure that our public lands
11 are properly managed.

12 So thank you for your time. Do you want to do
13 questions now, or hold it?

14 CHAIRPERSON ANDERSON: I think we will have the
15 other presentation, so sort of frame both sides of an
16 issue. And then we will take questions.

17 JAMES BRAMHAM: Hello. I would like to thank
18 the Chair and the members of the DAC for the opportunity
19 to be here today and also, of course, Tim and his staff.
20 I would also like to thank the Ridgecrest resource
21 district for an excellent tour yesterday.

22 Although my view of the tour was -- it was the
23 vertical, rather than the horizontal tour. We saw a lot
24 of vertical opportunity yesterday. We didn't see what a
25 majority of the enthusiasts come to the desert for,

1 which is the lineal opportunity that spreads across the
2 desert.

3 Certainly, we saw some of that in the Rands.
4 But we didn't see the El Pasos and some of the other
5 places that have the long lineal experiences that draw a
6 significant number of people to come to the desert.

7 Well, directly to the "Off Road to Ruin," the
8 first time that I read this, I looked at it as a person
9 who has been involved in this for an awfully long time.
10 And I thought, this seems like late night TV. It's
11 reruns. It's advertisements for a compilation album of
12 the greatest hits of the '70s, '80s and '90s.

13 And I thought, you know, that's probably not
14 what it's supposed to be. And so I read it again. And
15 I thought, hmm, we have a real issue here. And,
16 basically, all issues are confronted by a teeter-totter.
17 And on one end of a teeter-totter is one end of that
18 issue, and on the other end is the other. And in the
19 middle is a lot of agreement.

20 And I recognized that this was an advocacy
21 document. Some people in the community would call it
22 propaganda. I think that's a little harsh. It is an
23 advocacy document. It's their end of the teeter-totter.
24 And I am proud to say that for one of the first times, I
25 have seen exactly what Paul said, was that there were

1 constructive suggestions in it. Instead of a constant
2 barrage of hits, there were some very good and
3 constructive dialogue to be had from it.

4 So I read it again. And I found some places
5 that we have complete agreement. Enforce the law. Paul
6 stood here and talked about enforcing the law. But I
7 want to make sure that we understand the clear
8 difference between social law enforcement and OHV law
9 enforcement.

10 It would be nice that everyone who entered
11 public land suddenly became the perfect model citizen.
12 And it doesn't matter that they are OHV oriented or they
13 are bird watcher oriented or they are any other form.
14 When they come to the public land, there are social
15 problems.

16 We heard yesterday about gangs camping in an
17 area. There is rave parties. There is drugs. There is
18 just out-and-out disrespect. There is vandalism. There
19 is litter. There is DUI. All of these things are in
20 part social problems as much as they are a direct OHV
21 problem.

22 That's not to say that one doesn't spill upon
23 the other. Crimes against persons, these are things
24 where the county sheriff is responsible for law
25 enforcement more so than the federal government.

1 And that is why the OHV community embraced the
2 idea of outreach for law enforcement to the county
3 sheriffs and has embraced the grant process that has
4 brought to us the idea of very collaborative efforts
5 between the Bureau of Land Management, law enforcement,
6 and the county sheriffs.

7 Obviously, there are problems with OHV
8 enforcement. There are helmet laws. There are
9 registrations. There are basic speeds. There are
10 places where people camp that they ought not. There is,
11 of course, the off route dangerous operation issues.
12 And some of those spill over from the social problem.
13 But they certainly are more OHV related than they are
14 not.

15 Paul talks about the idea that, you know, we
16 need to increase fines. Does increasing fines only make
17 sure that the person doesn't get caught again, or does
18 it give them the opportunity to just pay their way again
19 and again?

20 I certainly would suggest that we do something
21 more creative, which would be require them to go to some
22 type of traffic school that would give them some basic
23 information about use of public land, so that they don't
24 just have the ability to pay and go, that they have --
25 they have to complete something for the Court that shows

1 that they understand why it was that they were in
2 violation.

3 The other thing that we have found through law
4 enforcement activities -- and certainly this is true in
5 the Algodones Dunes -- is the idea of a Matt Dillon
6 effect. There are those people who have used these
7 areas historically, off-road vehicle enthusiasts who
8 come to these areas year after year after year, bring
9 their families there, who are outraged about the types
10 of illegal activity as anyone can be, as much as anyone.

11 But yet as this pervades the OHV experience,
12 these people are less likely to be able to speak up,
13 less likely to be able to walk across to the other camp
14 and say, that's not the way to operate on public land.
15 And the introduction of a strong law enforcement
16 presence clearly brings the Matt Dillon effect, the idea
17 that there is a sheriff in town, and now I can tell that
18 guy that's inappropriate.

19 And we have seen that in the Algodones Dunes,
20 the checkered flag that was brought by American Sand
21 Association, where they fly a checkered flag on their
22 dune, flag to say, hey, I am okay with law enforcement.
23 And that has gone a long way. And the number of those
24 checkered flags is incredible.

25 And they show in camp. And so we are seeing a

1 decrease in them. Probably one of my greatest
2 frustrations as an OHV commissioner was the fact that
3 the bureau would come in front of us year after year,
4 and the Forest Service, and ask for grant funding for
5 OHV law enforcement.

6 Two or three years later, we would find out
7 that that grant reverted without ever hiring that law
8 enforcement presence. We would get the money back.
9 Meanwhile, it's the resource of public safety that's
10 suffered from that. And I think that's no longer
11 acceptable. And I am certain that Paul would agree with
12 that.

13 It has to come to a point where we have
14 accountability for that. What happened without that law
15 enforcement presence is a lawless activity. The
16 introduction or reintroduction, frankly, of law
17 enforcement I think will go a long way to end a lot of
18 these conflicts.

19 Another area of agreement is wilderness. I
20 think most people agree that wilderness is acceptable
21 land value. It's important to have these types of
22 places. And it's important to protect them.

23 And at this point, it's important that we use
24 some OHV funding to make that happen. It certainly
25 shouldn't be the entire obligation of the OHV fund to

1 fix that problem. It was Congress that made most of
2 the -- made all of these wilderness areas, many of which
3 included long established routes of travel.

4 And how those now become used, whether they are
5 obliterated or used for hiking or equestrian or what is
6 done with that is of course part of the wilderness
7 management program. Is it appropriate that we use OHV
8 dollars as we have in this grant to walk along the edges
9 and make sure we stay out? Yes, it is.

10 And we need to be involved with that process
11 wherever we can. We don't need to be the lead agency on
12 that. The Bureau of Land Management and the Congress of
13 the United States needs to take the lead on funding that
14 activity.

15 The increase in conservation and education. We
16 need to focus that money. I think I have covered that
17 fairly clearly. We don't want duplications. One of the
18 other frustrations we have is a lot of duplication
19 previously. We give money to the county sheriff. We
20 give money to the land management agency.

21 And then we find out that they both patrol on
22 the same day, or they didn't patrol on the highest use
23 day. What we found now is coordination. We like that
24 coordination. We feel it's the best use of money. We
25 support those grants that work hardest at cooperation.

1 And that will continue.

2 Public education. We need maps. We need
3 signs. We need rider education. We need it in the high
4 schools. We need it on the site. We need to encourage
5 user-to-user outreach. And when we talk about public
6 education, we also have to talk about recreation values
7 of land as well as the environmental value of land.

8 It's important to recognize that land has a
9 recreation value, and the routes have recreation value.
10 And to assign them strictly on an environmental basis or
11 strictly on a recreation basis may not work best for
12 either.

13 And that is one of the elements that I would
14 strongly suggest comes out of the planning on route
15 designation, is that both a level of understanding of
16 the recreation value of these routes is equally
17 important to the environmental.

18 We must maintain. It's -- the designation of
19 routes alone is not enough. They have to be maintained.
20 Route proliferation in many areas is a direct
21 correlation to the lack of maintenance. That road is
22 all whooped out. I will just make another one. That
23 one is whooped out, so I'll make another one.

24 Parallel routes in and of themselves may offer
25 two different unique experiences. And we may need a

1 recreation value analysis. But where they are
2 proliferated simply because of the lack of maintenance,
3 that's a very valid concern that needs to be addressed.

4 And so it's important that we look at the
5 maintenance and the enforcement of these routes to be
6 sure that we focus the money that's granted to the best
7 of the ground to be able to bring that focus of that
8 money to improving the resource and improving the
9 recreation opportunity.

10 I am from the four-wheel-drive community. And
11 historically maintenance of routes has always been to
12 the last vehicle passage. You have got five vehicles
13 with you. When the last guy gets past that rough spot,
14 that's as much maintenance as you did. Stack a rock, or
15 do whatever you needed to do.

16 It is important that we move beyond that. And
17 there are areas in the desert where that's important.
18 There are areas in the desert that that's going to have
19 to be done mechanically. But we have to look at the
20 idea of doing some environmental work and environmental
21 maintenance on many of our routes.

22 Monitoring, which is always the double-edged
23 sword. We could either prove we are bad or prove we are
24 good. And we need to make management decisions based on
25 real science. We have embraced monitoring, and we feel

1 it will bring some really good results to the land and
2 good results to the recreation.

3 The other issue is about gas tax. There was
4 questions earlier about gas tax and where it comes from
5 and how it's divided out. Gas tax -- that portion of
6 the taxes paid on gasoline that are used for off-road
7 activity, as Roy Denner said, have been calculated
8 through a very intense survey process to determine how
9 much of that is used.

10 Previously, if you used your fuel off-road, you
11 could get money back through your state income tax. But
12 in 1971, that money was placed into an account to be
13 able to manage off-highway vehicle recreation. The
14 exact same is done with boats, and it's done with
15 general aviation. You actually pay road use tax on
16 aviation fuel in California.

17 And that money is then put into an aviation
18 fund to provide aviation opportunities for the general
19 public, just as the boating is. So there is -- this is
20 not a different concept. It's not a new concept. It's
21 a recreation concept.

22 The study that this was done with, several
23 years ago, was very statically valid when it occurred.
24 It withstood court challenge. As it has gotten older,
25 it gets statistically more and more skewed. It is time

1 to do another one. It's past time to do another one.

2 And I was -- I was the commissioner that was in
3 front of the California legislature asking for an
4 appropriation to get that done. And I am pleased that
5 we did. It's thus been expanded by, what, four fold
6 over what we had initially to do that.

7 So there will be a new gas tax study. And from
8 that, there will be a determination. And it may be a
9 completely different mix. There may be less money
10 coming from motorcycles and more from four-wheel drives.
11 There certainly is going to be more from snowmobiles;
12 because it's the fastest growing segment of the OHV
13 community.

14 So there will be and needs to be a new gas tax
15 study. And that will really reinforce the uses and how
16 they are -- how they are conducted on the public land
17 and where the funding should be directed.

18 The user conflict issue, I just have one
19 comment. There are user conflicts. I just scrawled a
20 note that it's interesting to me that we are defending
21 those who urban sprawl. The environmental community
22 fights urban sprawl and then turns around and defends
23 them as trying to get us out of the way after they get
24 there.

25 Let's see. Another area of the report talks

1 about two-stroke engines. It's not something that Paul
2 addressed. That was addressed by the California Air
3 Resources Board. Standards were set by the California
4 Air Resources Board. There was an established protocol
5 for that, including registration for vehicles that are
6 no longer compliant and the hours of operation or months
7 of operation that they can actually operate in
8 non-attainment areas.

9 Nowhere -- there is a call in this document to
10 punish the polluter. That has never been done in the
11 history of the California Air Resources Board. We don't
12 penalize older cars just because they don't comply with
13 the new -- when they -- when you change building
14 standards, we don't go back and enforce those older
15 building standards -- or new building standards on older
16 buildings.

17 So we have a difficult time with that. But we
18 certainly understand that the two-stroke engine is
19 primarily a thing of the past, and that it's through
20 regulations by another whole body of the state of
21 California that has brought that to an end.

22 The other issue that's brought up and touched
23 in the report is the tainted planning issue, the idea
24 that it's off-road dollars that push planning. And as
25 you saw in your little pie chart over the last twenty

1 years or whatever Ira presented, it's less than 1
2 percent.

3 The OHV program was based on the idea that the
4 land management agencies made decisions where
5 off-highway vehicle recreation was appropriate. And
6 when those decisions were made and plans needed to be
7 implemented, they would step forward with money to be
8 able to make that happen.

9 And that's the basic premise of that. So there
10 has been certainly some direction and so on from the
11 commission. But the idea of tainted planning is
12 difficult for us to stomach.

13 But I think the toughest thing that comes to
14 the OHV community when reading this document is the idea
15 that we never get credit for what we have given up. The
16 history lesson goes back to 1970.

17 Previous to the passage of FLPMA, the right
18 for an off-highway vehicle enthusiast to go anywhere on
19 the California desert that they wished that was
20 unreserved was part of the 1866 mining law. With the
21 passage of FLPMA, that changed. But that becomes our
22 100 percent.

23 And so as we went through the rare studies and
24 then the desert planning studies and the subplanning
25 studies to that, when we started out with one to ten,

1 the middle ground was five. Then when we went back to
2 the table, the middle ground was now two and a half.
3 And then we went back to the table. And the middle
4 ground was 1.25.

5 And now we are back to the planning table. And
6 we look at the middle ground as being .75, and
7 absolutely no credit given for those things that we have
8 done in the areas that we have given up. And the
9 compliance that has happened in those areas that are
10 given up, never get credit for it. And it's very
11 unnerving.

12 And we also find that a deal seems to never be
13 a deal. One of the areas criticized in the report is
14 Hungry Valley State Vehicle Recreation Area. It was the
15 Sierra Club itself that recommended Hungry Valley as a
16 state vehicle recreation area. And now it's back on the
17 hit list.

18 Clear Creek, the idea that a ten-year technical
19 review team that included all stakeholders,
20 environmental users, mineral -- everybody that could be
21 there -- water -- everyone hammered out a deal on that
22 and then turn around. And now it's under attack again.

23 We feel that when we make a deal, that deal
24 should stick. And, unfortunately, we find time and time
25 again that it doesn't.

1 The report talks about the Root Com, which is
2 an area up by Lake Tahoe. But, again, we use state
3 money and Simms grant money, which is federal money, to
4 do projects in that area that were considered and have
5 been publicized by the water district, Lahontan Water
6 District, as the most significant water quality
7 improvement projects in ten years. Those were done in
8 1996. And we are back under attack again. No matter
9 how far we go, it's never far enough.

10 The report seems to fail to take into account
11 recreational choices. Certainly, there is talk in the
12 report about, they have done studies, what people want
13 from their public land, and so on and so forth. But
14 they still vote with their feet in their pocket book,
15 and in this case, their tires.

16 They have recreational choices. They could
17 build a pool in the back yard. The could buy a boat.
18 They could go on a cruise. They could do any number of
19 a thousand things for recreation. But yet they have
20 chosen, 14 and a half of percent of them in the state of
21 California, have chosen to have an off-highway vehicle.
22 And because of that, they feel that there is an
23 expectation of an area to be able to use that on public
24 land.

25 Not every acre, not every place, not any time,

1 but certainly that there is an expectation that on the
2 public land will be provided for them an opportunity to
3 be able to use that.

4 And Ron Schiller stood up here a moment ago and
5 talked about the fact that OHV is more than just
6 motorcycle riding in Dove Canyon or in Dove Springs.
7 It's about access. It's about access for all types of
8 activities, whether it's wilderness, whether it's
9 hunting, whether it's fishing. Whatever it is, the
10 element of motorized access is extremely important. And
11 by law, it's considered OHV. As soon as the vehicle
12 leaves the payment, it's an OHV.

13 The fact that this is such a strong family
14 recreation -- it is an element that helps society. I
15 know folks that when I say that just cringe. Well, when
16 I look around campfires that I have had in the last year
17 and see Native Americans -- and I -- just this last
18 Memorial Day, I had an African American gentleman who
19 grew up in East St. Louis and said that the one thing he
20 never wanted to have was a son know only 17 blocks.

21 Because he said, when I grew up, I knew 17
22 blocks. That's all I ever saw. You stand out in the
23 middle of the desert in the middle of Nevada, where it
24 was probably 17 miles between peaks. His son was in
25 awe. And it's those types of opportunities that are

1 important to be able to show society.

2 The other question is -- and this is more of a
3 rhetorical question: Does the lack of facilities
4 actually cause or exacerbate trespass? Through the
5 years, we had always been promised by the OHV community
6 or the OHV program that there would be adequate
7 facilities. And adequate facilities would include both
8 those on federal land and in county areas close to
9 towns.

10 Unfortunately, many of those have not happened.
11 And so what's happened is that there is a tremendous
12 demand for the sport that's unmet. And when it gets
13 unmet, it goes to trespass. And so as you decrease the
14 number of available areas, do you actually cause or
15 exacerbate trespass?

16 The report seems to fail in my mind to touch on
17 what actually was brought up very well by Paul -- the
18 idea that -- the OHV community's commitment to the
19 sport. The Rand Mountains, Friends of Jawbone, Friends
20 of El Mirage, Glamis TRT -- there would have been no way
21 that the restrictions placed by the lawsuit in the
22 Algodones Dunes could ever have been implemented by the
23 Bureau of Land Management without the unbelievable help
24 of the volunteers, the very people who were being
25 restricted from that use.

1 I mean, the fact that they showed up in droves
2 to patrol that area, to encourage their fellow duners to
3 stay out of that area -- we don't -- so the best
4 management is to use these people who use the land.

5 I would like to agree with Paul on the
6 stakeholders. That's probably, as I read this thing the
7 first time -- Paul, we have already done this, we are
8 doing it, we are in the process of addressing 80 percent
9 of the issues in here.

10 And then I realized again it's an advocacy
11 document. I know that; because I am on the inside.
12 Paul wanted to say that, so that he could get that in a
13 report. And that's the reason that it's there.

14 But the reality is, the stakeholders is going
15 to address, I think, probably 70 or 80 percent of these
16 issues on a statewide basis, state basis, not
17 necessarily site-specific federal basis. But certainly
18 many of the decisions made there will affect site-
19 specific areas.

20 But the other thing that the document fails, I
21 think, greatest to address is the idea that every day,
22 they sell more of them. And they are coming. And you
23 can either manage for them or they are coming, anyway.

24 It doesn't -- and I think that we need to
25 understand that management in and of its own self does

1 not necessarily mean closure. It's hard to manage a
2 closed restaurant. People still want to eat. The use
3 will go somewhere else. The people will still do that.

4 And in a final, I would like to say that I read
5 the document. And it states that there is 25 million
6 acres in the California desert. One million have been
7 impacted by OHV. I don't know whether that's currently
8 impacted or previously impacted. That is spelled out
9 specifically. But that equals 4 percent.

10 And when you look at a teeter-totter, we are
11 out of balance. The OHV community says, we have given
12 up enough, that there needs to be the idea that we need
13 more addressed, and that as you can fine us further, we
14 are going to have a greater and greater difficulty
15 recreating without conflict.

16 And so whether we can accommodate that or not
17 is unclear. But the demand is there. And the feeling
18 that out of 4 percent of the desert supplies 70 percent
19 of the OHV recreation in the state of California seems
20 to have a teeter-totter fairly well imbalanced. So we
21 will leave it at that. Thank you.

22 CHAIRPERSON ANDERSON: I would like to open it
23 up for council discussion and questions.

24 COUNCIL MEMBER KEMPER: John, my question: In
25 my county, I know what the percentage of undeveloped

1 private land is. We have been talking a lot about urban
2 sprawl. In this county, do you know what the percentage
3 is of undeveloped private holdings?

4 COUNCIL MEMBER MC QUISTON: No, I don't have
5 that number off the top of my head. I could certainly
6 get it. And then it would vary by region.

7 The San Joaquin Valley, the most private. When
8 you get into the Sierra Nevadas and eastward, most
9 public land is administered either by Forest Service,
10 BLM. I can get you the number of federal -- BLM, Forest
11 Service, Department of Defense. Be happy to provide
12 that.

13 COUNCIL MEMBER KEMPER: I will share with you
14 in our county, which is San Bernardino County -- which I
15 am sure a lot of you recreate there, and we certainly
16 have a lot of environmental concerns in the San
17 Bernardino County -- less than 2 percent of undeveloped
18 land is in the hands of the private ownership. It's the
19 biggest county in the United States of America. The
20 rest of it's in the hands of a public agency.

21 So when we are talking about urban sprawl, it's
22 getting bigger and bigger and bigger -- but it's coming.
23 It may be somewhat true in this county. But in San
24 Bernardino County, it is very limited to how much
25 further it can go.

1 Even though we have -- it appears that we have
2 lots and lots and lots of vacant land out there, and
3 that there is going to be, you know, more and more and
4 more housing. And there will be some.

5 But the perception is somewhat incorrect.
6 Because less than 2 percent is owned by private
7 holdings. The rest of it is held by public agencies,
8 whether they be city, county, flood control, parks,
9 state, federal. So there is a lot of vacant land out
10 there available to the public, at least in our county.

11 And I know Bill Betterly will probably want to
12 say something in regards to conflicts with users. Bill
13 is a little more senior than I am. But I have probably
14 ridden a horse on public lands, all forms of public
15 lands, for literally hundreds of thousands of miles.

16 And not in just one location. The Sierras, the
17 San Bernardino Mountains, really all over this county
18 since 1980. I have been involved with the sheriff's
19 search and rescue, mountain search and rescue unit. We
20 have ridden all over San Bernardino County.

21 I have been the president of three different
22 saddle clubs over the years. Their primary purpose was
23 riding, riding -- trail riding on public land.

24 In all of those hundreds of thousands of miles
25 and all the people that I have come in contact with, the

1 equestrian community, in all those years, not one of
2 them has given me a negative experience involving
3 motorcycles or four-wheel drives.

4 And when I say "a negative experience," I mean
5 where somebody intentionally went out to create a
6 problem for them. There is always an incident where you
7 are riding on a horse, and a motorcycle comes around a
8 corner, and the horse shys a little bit, or something.
9 That motorcyclist didn't do that intentionally. Most
10 motorcyclists are very courteous. Typically, they will
11 shut the bikes off, stand to the side.

12 I know that we are hearing there are reports of
13 that happening. But in the hundreds of thousands of
14 miles and all the people I know in the equestrian
15 community, it doesn't happen. Thank you.

16 COUNCIL MEMBER LEIMGRUBER: Just a brief
17 comment on the areas in our particular region as respect
18 to the Algodones Dunes. Just recently, I had the
19 opportunity to make some public presentations. This
20 area, as it's depicted in this book here, I would like
21 to bring some clarifications within this.

22 Obviously, we read about some deaths that do
23 occur and -- with the amount of visitation that we have
24 there each year. Obviously, every one of us is going to
25 have to travel home this evening. And the fact of the

1 matter is, I don't think if we held this meeting here
2 tomorrow, that each and every one of us would even be
3 back.

4 That's something that we just don't know. When
5 you have that many people assembled in one area, yes,
6 there are going to be events that do happen. There will
7 and could be a loss of life. Now, that's from a lot of
8 different other areas.

9 The Sonoran Desert is being inundated with
10 undocumented immigrants. They are being left off into
11 that area. We just had a tragic incident down there of
12 13 undocumented immigrants lose their lives from a lack
13 of water.

14 These areas that are closed -- when search and
15 rescue is going to go out there, these immigrants that
16 are traveling through there, they don't know which is
17 open or closed. We have to have some type of
18 accessibility to go out there and retrieve these
19 individuals. These are very desperate people and
20 desperate in a condition that they are not going to
21 really last longer than about twenty minutes.

22 I would just like to say that as far as -- the
23 report does go into some lawlessness. Back in December
24 31st of 1999, we were coming upon the millennium year.
25 I was right in the staging area of BLM's office there in

1 the El Centro region.

2 I was invited to meet with all of the agencies
3 that were involved. Numerous, numerous state agencies,
4 local agencies that were there, offering a lot of
5 support. There are some issues here that I think we
6 need to take and look at within a context.

7 I know this milk vetch that is growing in the
8 region. That plant has grown in a lot of different
9 areas. There is very real issues why that plant has
10 been removed in some areas.

11 You couldn't transport your feed products with
12 that plant in there. It's toxic to humans. It's toxic
13 to mammals. And so the report shows it's in this area.
14 Obviously so. It's out in the middle of nowhere.

15 Now, you know, how do we balance all of this
16 here, and how do we continue to have an experience that
17 all of us can enjoy? You know, we read this book, the
18 road to ruin, road to recovery, road to restoration. I
19 know, I am waiting for the sequel to come out. Perhaps
20 that would be looked upon.

21 There is ways that all of this meeting here
22 with all these minds assembled here, that we could put a
23 comprehensive plan together that allows us to have these
24 multiple uses that we are really all striving to be a
25 part of.

1 And so I -- I would just like each one who has
2 read this report to read it in its context. Yes, these
3 pictures are true. In fact, some of these pictures that
4 show trespassing -- I have walked past those signs
5 myself. I know these physical areas where these are.
6 And just a few miles down the road, those don't even
7 exist any longer.

8 If you put a line in the sand and tell a young
9 child, don't cross that, I can guarantee you that child
10 will cross the line. A lot of what we are seeing
11 here -- some of the vinegar washes that you go down
12 into, some of the Julian washes -- those were in the
13 most pristine conditions that we could go out and
14 recreate and camp, rock hound, hunting.

15 We drive up into the Colorado River -- these
16 are years in the past. The areas were open, and we were
17 using them. Now, they are closed to motorized vehicles.
18 But you can walk down in there. Just walk down there
19 two, three miles.

20 Yes, there is some that are desecrated. I will
21 stand here and say that that has happened. It's a big
22 area. Just last year, I was lost, and my son was
23 driving our '57 Willie's jeep back. And I said, son,
24 this is a trail that we need to stay on.

25 Well, he was unaware. And I was looking off on

1 to the sunset. And the next thing, we are up a
2 different wash. Well, pretty soon we came up against a
3 sign, you know, closed to off-road vehicle traffic.

4 Well, there was two choices that we needed to
5 make. We either went across that boundary there, got up
6 to our camp site, or we took about a 25-mile tour to go
7 completely back track to where we came from, get back
8 out onto a county road, come all the way up Highway 78,
9 and pick up our vehicle there at the ranger station.

10 So there is -- there is things that do happen.
11 And this magazine needs to be taken into context. But
12 with all the brain power that we have assembled here, I
13 think we can work this out.

14 CHAIRPERSON ANDERSON: I just want to make a
15 comment of the milk vetch that you just brought up,
16 Wally. And although this is a variety of that
17 particular species, the dunes is the only place on the
18 planet that it occurs. And that's, you know,
19 taxonomically identified as where that is. So, anyway,
20 I just wanted to clear that.

21 And then I also wanted to say that I think what
22 you are saying, we have the minds in the room that have
23 the capability to resolve some of these issues.
24 Essentially, that's what we are doing with these
25 planning efforts. And I am really excited about that.

1 And I think that's really a positive thing that as long
2 as we keep up the dialogue and don't get locked into our
3 world views, but actually listen to the others, that it
4 is resolvable. And that's great.

5 As long as I have the floor, I have a question,
6 actually, for Jim. And that is on the new gas tax
7 evaluation, when is that going to be completed?

8 JAMES BRAMHAM: That's a question I would ask
9 Paul.

10 PAUL SPITLER: Let me give you a little bit of
11 history on this issue, that the gas tax study that was
12 originally done that determined how much fuel was used
13 by off-road vehicles and how much would then be
14 transferred to a special fund for allocation for
15 off-road vehicle management, that survey was originally
16 done in 1990.

17 And it was estimated at that point that it had
18 a five-year life span and should be redone every five
19 years. Back in 1999, there was still no new survey done
20 and no new evidence of a survey being done.

21 The environmental community went to the state
22 legislature and asked friendly legislators to
23 appropriate funding for off-road vehicle -- for a new
24 study to be done. And we did that. We secured \$400,000
25 for a new study to be done.

1 Through the long and tortured process of
2 finding an appropriate consultant to do that survey, it
3 was determined that that wasn't a sufficient amount of
4 funding. And eventually this year's budget includes
5 another \$2 million to actually do a complete and
6 comprehensive survey. That was a number that the
7 accountant who did the original survey -- consultant
8 came up with, along with the state division.

9 So at this point we are -- the money hasn't
10 officially been approved yet, because of the budget, you
11 know. We expect it will be approved within the next few
12 weeks. And then we can start the R & P process. They
13 don't expect the results to be back until approximately
14 2003, which is why the state program is set to sunset
15 January 1, 2003.

16 And the environmental community, along with the
17 off-road groups, are now supporting an extension of that
18 sunset until 2007, until the new survey can be
19 completed.

20 CHAIRPERSON ANDERSON: Thank you.

21 COUNCIL MEMBER KEMPER: While you are still at
22 the podium, we are spending \$2 million to -- for an
23 analysis? What's the yearly budget off the gas monies
24 today?

25 PAUL SPITLER: The state's budget -- the

1 off-road vehicle division's budget is approximately \$35
2 million. And of that, roughly 15 to 20 goes to running
3 the state's vehicular recreation areas, and
4 approximately 15,000 goes to grants to Forest Service,
5 BLM, and local agencies.

6 I would also like to maybe -- maybe I could
7 just take a moment here to mention the breakdown, where
8 these funds actually come from.

9 The funds come primarily from three sources.
10 The fees from the state vehicular recreation areas is a
11 very small portion of the funds. The Green Stickers
12 that off-road vehicles are forced to purchase or asked
13 to purchase is another very small proportion of the
14 overall funds, somewhere in the neighborhood of 5
15 percent.

16 The vast majority of the money in the fund does
17 come from the gas tax. And of that money, 10 percent
18 comes from the fuel used by legal registered off-road
19 vehicles -- those are the people that actually register
20 their vehicles -- and an estimation of the fuel used by
21 those vehicles off-road.

22 Approximately 35 percent comes from the fuel
23 used by street legal vehicles when used off-road. So
24 when I take my two-wheel drive pick-up and drive to a
25 trailhead to go backpacking or hiking or fishing or

1 whatever I am going to do, the gas that I am using when
2 I am driving off-road, the tax on that gas, is put into
3 this fund and used for off-road vehicle management.

4 The remaining 55 percent is from the gas that's
5 estimated to come from unregistered, illegal off-road
6 vehicles, vehicles that are never registered. That's
7 the majority of the money in the fund. And that's why a
8 number of the funds go back to law enforcement and
9 conservation.

10 Because, of course, we don't want to be
11 rewarding illegal activity. So that's where the
12 funds -- breakdown of where the funds actually come
13 from.

14 COUNCIL MEMBER SMITH: I would like to take
15 this opportunity to get a brief education, which I think
16 is relevant to all this. Yesterday on the field trip,
17 we spent an enormous amount of time talking about the
18 desert tortoise.

19 But I am mindful that in 1942, an Operation
20 Torch, General George Patton was training troops and
21 driving tanks across the desert. And those tracks are
22 still there. And there are some lessons there which I
23 am not sure that we are applying to this situation.

24 So the question goes to: Could you describe,
25 either one or both of you, the biology and the structure

1 of the soils that are being impacted by this use, and
2 also the ramifications for species of life that are not
3 necessarily threatened or endangered?

4 PAUL SPITLER: Well, I said I had a degree in
5 geology; but I never said I was a geologist. I would
6 actually, if the council would prefer, I would defer
7 that question to Dr. Howard Wilshire, who is a
8 scientist, who has authored many of the scientific
9 papers.

10 He studied down here in the desert for a number
11 of years, and is with us today. If the council prefers,
12 I would suggest that he is far better equipped to answer
13 that question than Jim or I would be.

14 COUNCIL MEMBER SMITH: Yes.

15 HOWARD WILSHIRE: Can you hear me?

16 The question of the impacts of a single tank
17 traverses across very common desert types has been a --
18 has been the study that I have wished to do for a long
19 time. And, in fact, very recently, a colleague of mine
20 and I released a U.S.G.S. report, which you can find on
21 the U.S.G.S. web site, about the impact of tanks on the
22 natural community in common desert settings.

23 And the thing that led me to want to do this
24 study was simply seeing the tracks. And the fact that
25 you could see the tracks is rather astonishing, that the

1 Patton tracks are now 50-some-odd-years old.

2 And the thing that I thought I would see was
3 that there were fewer plants -- this are annual
4 plants -- in the tracks than out of them. And that
5 astonished me that we could have a biological impact
6 that lasted so long from a single pass of a vehicle.

7 When we came to actually study this, the plants
8 in the tracks and out of the tracks -- and, again, I
9 will say these were annual plants. The single pass of a
10 tank will not kill a creosote.

11 What we found was, there were actually more
12 plants in the tracks than out. But they were shrimps.
13 They were stunt -- their growth was stunted. And the
14 reason for that is that the tank leaves a depressed
15 track, and over time, it gets a thin infilling of loose
16 sand and other stuff that's washed into it. The plants
17 can then take root in that.

18 What we also discovered was that the plants
19 which have a lateral root spreading strategy for their
20 survival were the dominant types in the tracks, and
21 those that have vertically penetrating roots were in
22 greater -- much less abundance in the tracks than out.

23 The reason is, the soil, that loose, thin
24 layer, is compacted. And you got to really be impressed
25 that a single vehicle pass can have such a long-lasting

1 effect on the structure of the plant community as well
2 as the abundance of plants and their cover.

3 If you have any other questions, I will try.

4 COUNCIL MEMBER RISTER: Do you find that
5 situation occurring consistently? Or is that just on
6 the desert pavement or the malopie? Or do you also find
7 that in the soft sandy washes where the tank tracks have
8 traversed?

9 HOWARD WILSHIRE: Well, that's where we found
10 them, was on the bahatas (phonetic). We hadn't looked
11 particularly at the desert pavement surfaces, which had
12 no vegetation to speak of on them.

13 So our studies were focused on the dominant
14 kind of terrain in the desert, which is the low sloping,
15 alluvial surfaces between the mountain ranges. That's
16 where tanks can drive. That's where they drove. And
17 that's where the impacts remain.

18 I might add that we saw places where a tank
19 drove across a wash, and you could see the tracks go in
20 one side and out the other side. But there was no sign
21 of them in the wash. Because any water moving across
22 there would erase the track.

23 But using instruments that detect the -- and
24 measure the strength of the soil, we could take
25 traverses across where the track was in the past. And

1 we could still feel its presence in the subsurface. So
2 these impacts are very pervasive and very long lasting.

3 COUNCIL MEMBER BETTERLY: Madam Chairman, I
4 would like to add a little bit more to what Ron said
5 with regards to San Bernardino County.

6 With its vast number of acres and public
7 ownership -- it's the private acres of any county in the
8 58 counties in the state of California that pays the
9 bill to the counties. Because that's where the
10 taxpayers' property taxes are.

11 There is none from the open space. So San
12 Bernardino County is not benefitted by having the number
13 of acres in bureau, state, and school district, or all
14 the cities. Because there is no taxes on any of the
15 governmental-owned properties. It's just on the private
16 properties.

17 And certainly, I am -- seeing as I am twice
18 Ron's age, I probably rode 400,000 miles in that area.
19 But, nevertheless, the county does a pretty good job of
20 maintaining the county roads. And all they use on that
21 is the registration of vehicles within the county.

22 The gas tax goes into the general fund. Thank
23 you.

24 COUNCIL MEMBER REDDY: I would like to make one
25 comment on this. Curious enough, I didn't know you were

1 in the room. But there is a -- Mr. Wilshire, I guess
2 you are referenced in the footnote on this.

3 And the one concern I had about this book was,
4 I am afraid that there is -- when there is something I
5 do know a little bit about, and I see it's greatly
6 exaggerated, then it puts under a question a lot of what
7 else is in the book.

8 On page 15, it mentions that an off-road
9 vehicle driving just six miles can move up to 300 tons
10 of soil. Since it's footnoted, since, Mr. Wilshire, you
11 are here, I presume there is a spot where you found that
12 to happen.

13 My company runs off-road vehicles.
14 Coincidentally, our quarry is exactly six miles from the
15 plant. We have rather big off-road vehicles. They are
16 running 170 tons. But if they had moved 300 tons of
17 soil in that six miles, we would be down to China by
18 now.

19 As a matter of fact, if you do the
20 calculations, a typical wheel on a four-wheel drive,
21 four-wheel vehicle, would be about six inches wide.
22 That means you would have two tracks, six inches wide,
23 three inches deep.

24 On yesterday's tour, we were at least the
25 twentieth car in line. The fourth car would have

1 bottomed out; because the ruts would have been so deep
2 that the axle would have already been buried, were our
3 axles big enough. By the time we got to the twentieth
4 car, the ruts would have been five foot deep. We would
5 have had to have ten foot tires.

6 That same rate of erosion on a typical
7 motorcycle with about a three-inch tire would give a
8 one-foot rut. One vehicle could probably make it. The
9 second one, going down two feet, probably wouldn't make
10 it. He would bottom out.

11 So while I would assume that in your study
12 there was a place you found erosion could occur that
13 well, that much -- so I don't doubt that. There was
14 some soil condition you found there. Unfortunately, the
15 way it's phrased in the book, it implies that every time
16 a vehicle goes over the soil, he is moving 300 tons in
17 six miles.

18 So you have vastly exaggerated the potential
19 for this. And while things can occur in specific
20 instances, perhaps, under certain conditions, when you
21 totally exaggerate the impact of vehicles riding on --
22 off-road vehicles, it lends a lot of doubt on how much
23 the rest of the book is exaggerated.

24 HOWARD WILSHIRE: Want me to respond to that?

25 I would urge the folks who read this report to

1 also read the reports that are cited in it. That
2 particular citation was for very specific conditions of
3 hill climbing on slopes, steep slopes, that have soft,
4 loose soils.

5 And I, in my report, I state quite specifically
6 what the conditions are. And for the areas of impact of
7 vehicles, I use the standard of my own, which was, I
8 measured hundreds, if not thousands, of tracks that were
9 made on level, dry surfaces, and determined from that
10 the amount of land impacted per mile of travel. That's
11 an important number; because it shows you that not all
12 types of recreation are the same.

13 They may cause very similar -- qualitatively
14 very similar kinds of impacts, like soil compaction of
15 soil. But you can do it much more rapidly if you have a
16 machine to help you.

17 But hill climbing on the slopes like those that
18 we pass by in Jawbone Canyon can move that amount of
19 soil. It isn't miles to the top. I am just trying to
20 standardize this.

21 So, yes, they can move a lot of soil under
22 certain conditions. The amount of soil that you would
23 expect to be moved and the kind of surfaces that we were
24 following one another on is much less per mile. But
25 it's still a substantial amount of soil moved.

1 And if you include the amount of soil that is
2 simply compacted, which is -- the soil structure has
3 changed -- not an erosion of the soil, the amount of
4 soil displaced -- that's the word I like to use -- is
5 quite large. And it doesn't take a whole lot of the
6 soil to make a ton.

7 COUNCIL MEMBER RISTER: Mr. Wilshire --

8 COUNCIL MEMBER REDDY: That's exactly the point
9 I was making. I wasn't doubting that there were
10 conditions, if you -- if it was cited and it was in the
11 study -- and I have to admit I haven't had time to read
12 all 223 -- 239 citations. I didn't read the books.

13 That's exactly the point I was making. I
14 assumed -- what I am afraid of is this thing took the --
15 it took studies out of context. The specifics of the
16 conditions that can occur weren't in here. It was
17 specifically extrapolated to a four-wheel vehicle.
18 Four-wheel vehicles don't do those kind of hill climbs
19 on that kind of slope.

20 But it was four-wheel vehicles were eroding at
21 that rate. So I am afraid that what I saw in here was
22 specific things under specific circumstances that could
23 occur that were exaggerated to generalities. So I was
24 afraid that the book was quite a bit exaggerated. I
25 wasn't doubting there was specific cases, as you

1 described, where it could occur.

2 COUNCIL MEMBER RISTER: Mr. Wilshire, when you
3 were describing earlier the compaction through the sandy
4 washes, I am assuming that you are talking about the
5 gravel sandy washes that are -- streams that are created
6 from the rain events.

7 What type of device did you use to test the
8 compaction? Was that a nuclear density testing device?

9 HOWARD WILSHIRE: It was a pentatrometer, a
10 device that records the strength of the soil as you use
11 a hardened steel comb to penetrate into the surface.
12 It's also a measure of strength. Actual strength is a
13 black art. And we are finding that out.

14 COUNCIL MEMBER DENNER: You put that in with a
15 hammer?

16 HOWARD WILSHIRE: No. It's a device that you
17 lean on. Actually, the first one that I used -- the
18 very first study I made of off-road vehicle impacts was,
19 I walked the 74 Barstow-to-Vegas route. And I used the
20 pentatrometer frequently.

21 The pentatrometer I used was one that was
22 designed for lunar work. And, believe me, I am glad it
23 never made it to the moon. It was a geologic hammer
24 made out of stainless steel. And it had no way to
25 control the pressure that you put on it.

1 So each time you made a measurement, you had to
2 rotate your full body weight up onto this device. Now,
3 I had raw hands at the end of that trip. Because that
4 was a lousy way to do things. But that's the technique
5 that we used.

6 COUNCIL MEMBER RISTER: And to what optimum
7 density compaction were you testing for? Like 85, 95
8 percent? What were you finding in this compaction?

9 HOWARD WILSHIRE: We were simply comparing the
10 density of the soil in tracks and out of tracks. I
11 might say there were other techniques we used, like bulk
12 density. And this was simply a comparison of the
13 undisturbed condition with the disturbed condition.

14 COUNCIL MEMBER RISTER: To what depths were you
15 going before you found the strata that was no longer
16 compacted?

17 HOWARD WILSHIRE: Well, we didn't go to a depth
18 that we found that wasn't compacted, not with those
19 instruments. There were studies done by Water Resources
20 Division people in the U.S.G.S. that found compactions
21 of three feet depth. But my studies, we never went that
22 deep.

23 COUNCIL MEMBER RISTER: And you indicated that
24 you found these annual grasses or annual plants growing,
25 but in the major washes. Isn't it true that the major

1 rain events scarify the washes and wash out the annuals,
2 and only the microfill woodlands grow on the banks?

3 HOWARD WILSHIRE: Yeah. But I may have misled
4 you. I didn't want to say that our studies were in
5 washes. Our studies were in the broad surfaces that are
6 cut by many tiny little washes, but are mostly just
7 alluvial surfaces. They are not washes. They are not
8 affected by every rainfall.

9 COUNCIL MEMBER RISTER: The reason I was asking
10 these questions is, not only in the "Road to Ruin," but
11 in the handout that was given to us today from the
12 California Wilderness Coalition -- and I want to be very
13 specific. Because I don't -- I haven't had time to
14 review all the information.

15 So I don't want to talk in generalities. But
16 in specific, there was an issue brought up in this
17 publication about the draft NECO plan proposing to
18 develop, for example, water sources for bighorn sheep
19 and mule deer. And it talks about that the construction
20 of these water sources may actually require driving
21 through the washes.

22 And what I am getting at is, it's been our
23 experience that using the major wash system to drive on
24 with a four-wheel drive vehicle to get access to build
25 water sources has not compacted or actually caused

1 detriment to the wash condition; because the vegetation
2 grows into the banks of microfill woodland, and the
3 grasses or the annuals that grow in the wash basically
4 are scarified out every time there is a major rain
5 event, which also washes out all the tracks.

6 And that churning of the gravel and sand soil
7 tends to loosen it up, so the sandy washes remain loose
8 and non-compacted after every major rain event.

9 HOWARD WILSHIRE: Yes. But something has
10 happened in the interim. And you can't say that no
11 damage was done simply because it's scarified in the
12 first wash, which might be months down the line.

13 There are animals that depend on the growth in
14 the washes. So you are telling them, well, you will
15 just have to go hungry until the next rain event?

16 COUNCIL MEMBER RISTER: But those animals also
17 are dependent upon those water sources or the loss of
18 water because of, say, salt cedar choking off the river
19 or aqueducts being concrete lined and drowning animals.
20 So in some cases, the only waters the animals have are
21 the artificial water sources to replace what was lost
22 naturally.

23 HOWARD WILSHIRE: Sometimes we are putting
24 those water sources where they never existed before.
25 Are we doing the animals a favor?

1 COUNCIL MEMBER RISTER: Well, if you look at
2 the system of a major spring or a major water source
3 that historically animals came to, like the spokes of a
4 wheel, and you disburse that water to catch smaller
5 amounts in rain events.

6 So that if a wash does not receive rain, the
7 water source doesn't have water, the animals aren't
8 attracted. Whereas five miles up the system where you
9 have a rain event that greens up the vegetation that
10 they are going to feed on, you have a water source there
11 that has plenty of water.

12 So, basically, the vegetation being impacted is
13 where the water has collected. And the vegetation that
14 didn't receive rain has no water and is given a rest;
15 because the animals have moved on to where the water and
16 vegetation is green.

17 So disbursing water actually can help the
18 vegetation recover rather than impact it by having
19 historic water that's always there, whether it rains or
20 whether the vegetation is recovering from a rainfall
21 event or not.

22 CHAIRPERSON ANDERSON: I would like to just cut
23 in here and say that I find this conversation
24 fascinating. However, I am wondering if it wouldn't be
25 more appropriate for the NECO plan discussion when we

1 have that in our next meeting. And I would like to
2 steer the conversation back to the "Off Road to Ruin"
3 document and conversations dealing with that.

4 COUNCIL MEMBER RISTER: And I didn't mean to
5 get off base. What I was alluding to was that, you
6 know, misinformation or conjecture in these reports may
7 not actually fit the facts that occur on the ground.

8 And what I was trying to do is show how in a
9 specific instance, the statistics or the quantitative
10 material that's been measured on the benefit of water
11 sources may be somewhat distorted by the information in
12 these reports.

13 CHAIRPERSON ANDERSON: I think that's why we
14 like to call them advocacy reports.

15 COUNCIL MEMBER CASEBIER: Mr. Wilshire, I would
16 like to ask you a quickie that I hope is related.

17 How did you know there was just one tank?

18 HOWARD WILSHIRE: You follow a track far enough
19 to see a turn. When a wheeled vehicle turns, it leaves
20 four tracks. When a tank turns, it's two.

21 COUNCIL MEMBER CASEBIER: That means it was
22 "tanks." The training was done in World War II at the
23 division level out there. First Armored Division,
24 Second Armored Division. That's 8,000 vehicles.

25 And a major part of the training was not just

1 to charge a line of front, but for the division
2 commander to demonstrate that he could move 16,000 men
3 and 8,000 vehicles from Point A to Point B. And very
4 frequently that was done in columns.

5 HOWARD WILSHIRE: Well, I certainly don't
6 disagree that there were places that a lot of tanks went
7 over. We did not study those. Our study wanted the
8 control of one pass. So we were very careful in
9 searching out the many, many places where such
10 conditions --

11 COUNCIL MEMBER CASEBIER: And you feel
12 confident that after the passage of 50 years, you could
13 tell that just one tank passed over?

14 HOWARD WILSHIRE: Yes. I could tell you
15 which -- whether the tank passed over in 1942, General
16 Patton's troops, or in 1984, Desert Strike. The tracks
17 are different.

18 COUNCIL MEMBER CASEBIER: We are talking about
19 19 -- World War II now.

20 HOWARD WILSHIRE: Yes. But I am just saying
21 that with some experience, you can detect these things.

22 COUNCIL MEMBER CASEBIER: Thank you.

23 COUNCIL MEMBER KEMPER: One more question for
24 you, sir: What did one of those tanks weigh, and what
25 was the weight distribution per square inch?

1 HOWARD WILSHIRE: I don't remember those
2 numbers. You know, the problem of determining and
3 characterizing the stresses that are imparted by any
4 kind of a vehicle on a land surface is a very difficult
5 mechanical problem.

6 And I can say this: When comparing Patton's
7 tank tracks with the '84 tank tracks, and looking at
8 the -- the responses of vegetation and microbioty crusts
9 (phonetic) and so on, that the weight distribution is
10 lower for the modern tanks than it was for the Patton
11 tanks. Because things are coming back a little faster.
12 It still means decades; but they are coming back faster
13 in the younger tracks. I don't remember the numbers.

14 COUNCIL MEMBER KEMPER: Thank you.

15 Madam Chair, I just have one other statement as
16 to clarify something that Bill Betterly said, if I may
17 take the opportunity. I will make it short.

18 Bill had mentioned that in San Bernardino
19 County, we are blessed with having lots of public land.
20 And it provides no income to our county.

21 That's not completely correct. There are a
22 couple of uses. The people that are public land
23 ranchers do pay usury taxes to the county. And I
24 believe some of the mining interests do, as well.

25 COUNCIL MEMBER BETTERLY: True. And the city.

1 DISTRICT MANAGER SALT: And I just feel
2 compelled to add to that that in lieu of taxes, the
3 federal government contributes about \$900,000 to San
4 Bernardino County, as well.

5 COUNCIL MEMBER DENNER: Guess it's my turn. I
6 have a few comments.

7 The first one is: I wanted to ask the other
8 council members if you have gotten in the mail, like I
9 have, the BLM's response to this document? Does
10 everybody have that? Okay. Just wanted to make sure
11 that you all got a copy, like I did.

12 Secondly, you have all been handed out a
13 report. It's a short report from J. Whelan and
14 Associates, which is an environmental analysis firm in
15 San Diego. It's very well known.

16 These people were commissioned by the San Diego
17 Off-Road Coalition to take a look at this document and
18 respond from a non-emotional, scientific point of view.
19 You can read the comments that they made on your own.

20 It takes a different look at 300 tons of soil
21 displaced, and that sort of thing. So in the interest
22 of time, unless anybody wants to go into this document,
23 I don't intend to do it. We do have a gentleman here,
24 Scott Molloy -- Scott, would you stand up, please?

25 Scott is with J. Whelan and Associates. He

1 drove all the way up here today to deliver this report
2 to us and to be on hand if anybody had any questions
3 about the information that he came up with, with the
4 analysis of his company.

5 Mr. Spitler, early in this discussion,
6 indicated that there is an unbelievable number of
7 conflicts on the Pacific Coast Trail with motorized
8 vehicles, particularly motorcycles.

9 Didn't I hear that one of the BLM people on the
10 tour yesterday who had the -- I guess the conservation
11 people there or whatever? He was asked the question
12 about conflicts with motorcycles on the Pacific Coast
13 Trail?

14 And he and his wife, I guess, had hiked the
15 whole trail from one end of the trail to the other
16 several times. And he is now working on trail
17 maintenance there. And he said as far as he knew, there
18 was only one little area where motorcycles even go on
19 the trail, that he had never had a conflict with
20 motorcycles? Isn't that -- did anyone else hear that,
21 or is that only me? So I don't understand the conflict
22 on the Pacific Coast Trail.

23 The next thing Mr. Spitler said was that
24 relative to the demise of species, one of the causes, if
25 not the major one, is off-road vehicles. And that

1 question came up yesterday in the tour, too, when we
2 were looking at the tortoise habitat.

3 Specifically relative to the tortoise, I
4 brought up the point that there -- that there were no
5 comparison studies that have been done. In the case of
6 the tortoise, at a meeting in the BLM office in
7 Riverside when we were discussing the NECO plan a few
8 weeks back -- several of the DAC members were there --
9 they had their tortoise expert there.

10 And I specifically asked him, you know, what do
11 you have that shows the relative impact of the effects
12 on, in particular, in this case, the tortoise? I mean,
13 I said, for example, if the raven, that -- they are
14 being -- the raven is a predator. They are being killed
15 on the road. They have diseases. And, apparently,
16 off-road vehicles kill them.

17 In my 45 years of riding motorcycles and dune
18 buggies and quads and four-wheel drive vehicles, I have
19 never seen a turtle on the trail that had been -- it had
20 been crunched. But I guess I haven't been out there
21 long enough. I am only 65.

22 Anyhow, I asked about the relative impact. I
23 said, what if a study showed that 97 percent of these
24 tortoises were being impacted by the raven, and only,
25 over here, maybe 3 percent are really being impacted by

1 off-road vehicle use? Does it make sense to concentrate
2 on attacking this little part, problem, over here, when
3 the major problem is over there?

4 The biologist responded to me, well, those are
5 ridiculous numbers. He said, there is no way that 97
6 percent could ever be taken by the raven. He said,
7 perhaps 97 percent are dying because of diseases.

8 Now, the point still is, you know, we are
9 risking a lot of problems and a lot of animosity leading
10 to bigger efforts on the part of the off-road community
11 by being attacked on being responsible for the demise of
12 species. And there is nothing that shows the relative
13 impacts of other things that are impacting species.

14 You know, I think we better determine whether
15 we are really the bad guys, or maybe we are just in the
16 noise somewhere.

17 Mr. Spitler made a comment that he likes the
18 lands management system. That was working very well.
19 In his document here -- by the way, as is my custom, I
20 have gone through this document and marked it all up.
21 And we could spend the next two hours arguing over the
22 items in here. But I am just going to take a few that I
23 think are typical.

24 I mean, he says that he likes the way the range
25 management system is going. Yet the statement in here

1 is made that the BLM has largely failed to make and
2 enforce off-road vehicle use designations throughout the
3 desert. Why doesn't it say in here, with the exception
4 of the management system that we looked at yesterday?

5 Relative to a couple of comments -- if I could
6 just sort of zero in on the Algodones Dunes, since I
7 spend quite a bit of time there, and I think a lot of
8 the other people in this room do, also -- I guess I
9 seriously object to the statement that normal,
10 law-abiding citizens are fearful of using the area.

11 Somewhere in here it says -- well, I go out to
12 the Algodones Dunes with four generations of family
13 members. I don't know, Mr. Spitler -- I don't know if
14 you have ever camped out there for a weekend. But on a
15 holiday weekend, there are probably 20,000 motor homes
16 in the dune buggy flats area alone.

17 And these motor homes are not occupied by
18 non-law abiding citizens. They are occupied by
19 families. When we went to Dove Springs yesterday,
20 somebody asked the ranger there about what kind of
21 people frequent that area? And he says it's 80 percent
22 families.

23 Yeah, there are some problem elements out
24 there. But it's 80 percent families. And I don't
25 see -- if you have ever spent any time at one of our

1 off-road areas, I don't see how you can possibly make
2 the statement that law-abiding citizens are afraid to go
3 there.

4 JIM KENNA: Could I say something to that?

5 As a member of the technical review team there,
6 I am really proud of the effort that's gone on in that
7 area to bring a whole sense of new management to the
8 Algodones Dunes. We have really done the outcry from
9 the enthusiast that we needed some help there. And the
10 response from the OHV division and the bureau was just
11 outstanding in putting it together.

12 But I clearly want to follow up on Roy's deal.
13 If people weren't satisfied with that experience, they
14 wouldn't come back year after year after year. If it
15 was REI or Starbucks, they would be trying to find
16 another place to do that same thing over again, because
17 of user satisfaction, not trying to do something else.

18 COUNCIL MEMBER DENNER: Just to close the loop,
19 is Greg Thompson still here?

20 Greg, would you say that in your Algodones
21 Dunes area that law-abiding citizens are afraid to go
22 there? Is that what you are experiencing?

23 GREG THOMPSON: The dunes is a big area. And I
24 think there are a lot of areas where families go, have
25 gone for a long time, and camp, and feel good about it.

1 There are certain areas, such as Competition
2 Hill, that I think some people steer away from these
3 days, because they are not -- they don't feel like it's
4 a good place to go any more.

5 And working with the TRT and others, we have
6 been trying to address those areas and make them a safe
7 place again. So I think it's hard to make a broad brush
8 statement about the whole dunes as being either all safe
9 or all not unsafe.

10 I mean, I really -- but I, you know, I
11 recognize that where you camp, obviously a lot of
12 families go there and have been going there and feel
13 pretty good about it.

14 PAUL SPITLER: I would just like to make a
15 comment that actually that quote that you are referring
16 to actually was a quote from a BLM report on the
17 Algodones Dunes and the issues associated there. So you
18 should take up issue with the authors of the BLM report.

19 GREG THOMPSON: I think what that came from was
20 from a national law enforcement evaluation that was done
21 a few years ago on a President's Day weekend. And, you
22 know, that was one of the statements that was in that
23 report.

24 Now, does that reflect the whole dunes? I
25 don't think so. But it -- certainly there are some

1 areas in the dunes where there are some concerns.

2 COUNCIL MEMBER DENNER: I think that's a major
3 problem with this report from beginning to end. It
4 takes specific, extreme examples out of context and
5 makes it sound like that's what's happening all over.
6 To say law-abiding citizens don't go there is absolutely
7 absurd.

8 It makes a statement that the Peirson milk
9 vetch plant has, quote, "been driven literally almost to
10 extinction by rampant off-road travel." You know,
11 that's -- the current studies are showing that the plant
12 is doing fine even in the areas where off-roading is
13 allowed.

14 I mean, and there is a study going on right now
15 to determine what the impact is. Why make a conclusion
16 before the study is even completed just because it
17 satisfies your objective?

18 And, finally, relative to this gas tax study,
19 Mr. Spitler indicated the study was done in 1990. In
20 1990, in my community of San Diego, I can load my dirt
21 bike in the back of my pick-up truck and go to at least
22 five different areas and ride all afternoon without a
23 Green Sticker.

24 And nobody cared about the Green Sticker
25 program. And it's undoubtedly true that 55 percent of

1 the vehicles being ridden off-road in 1990 were
2 illegal -- were not registered vehicles.

3 Today, where I live, the kids that have been
4 riding in the hills behind my house for ten years are
5 getting busted -- not any more -- over the last five
6 years have gotten busted so much that they never ride
7 behind our house. Nobody rides without a helmet.
8 Nobody rides without a green sticker. Nobody rides
9 without a spark arrester, with certain notable
10 exceptions, which are pointed out in here.

11 And I don't know about the rest of you guys.
12 But when we go out on a weekend and go riding, I don't
13 see any vehicles without -- shouldn't say "any." It's
14 hard to find vehicles out there today -- and it was my
15 understanding that that's what this new study is all
16 about, to determine what the facts really are relative
17 to how much illegal riding.

18 Why would you draw this conclusion in your
19 report when a study is going on right now to show just
20 what those ratios are? I mean, I don't think that's
21 fair. And that's all I have to say.

22 PAUL SPITLER: On the last point, we actually
23 didn't draw that conclusion. That was a conclusion that
24 the State of California uses and continues to use today
25 when they appropriate funding for off-road vehicle use.

1 Those are still proportions that are used today, which
2 is exactly why we advocated a new study be done, and
3 secured funding to do that.

4 COUNCIL MEMBER DENNER: But if they are using --
5 the way they determine how many vehicles there are is
6 like going to the DMV and getting a vehicle count.

7 If they are using the same kinds of
8 appropriation today as they were then, what it means is,
9 in those days, they were appropriating funds
10 incorrectly, because a lot of it was going for illegal
11 activity, where today all that has been converted to
12 legal activity. So it's appropriate that the funds that
13 are being given to us continue to be given.

14 CHAIRPERSON ANDERSON: I think I would like to
15 take a break now for five minutes. And we will
16 reconvene and continue the council discussion, and then
17 we will open it to public comment.

18 (A recess was taken.)

19 CHAIRPERSON ANDERSON: Let's reassemble. We
20 are running out of time. And I need to get us all back
21 to the table so we can continue this discussion. I
22 would like to continue the council discussion.

23 But before we do that, I have a couple of
24 housekeeping duties that I need to attend to. Council
25 members, please see that you have your travel voucher in

1 front of you. And you need to fill that out and get
2 that back to Doran before you leave today. So I think,
3 Doran, you will also need the copy of the -- their
4 hotel?

5 And, also, I need the council members to
6 reconvene to the table immediately. Because we need to
7 make sure that we have our next meeting dates confirmed
8 and have a discussion about the agenda items that we
9 want to see on that meeting. So please come back to the
10 table.

11 I believe our next meeting is scheduled for
12 September 6th and 7th in Desert Hot Springs. And
13 originally, or prior to this meeting, we were going to
14 be discussing the two big planning efforts, the Northern
15 and Eastern Colorado Plan and the Northern and Eastern
16 Mojave Plan.

17 Both of those will be -- the public comment
18 will have closed. We will be able to have a review, I
19 believe, at least of the NECO, I think was the
20 commitment, of the public comment. And the advisory
21 council at that point can make a recommendation or not.
22 Anyway, there will be a chance for us to discuss that.

23 And I am assuming that a similar scenario will
24 be for the Northern and Eastern Mojave.

25 I see that those two planning efforts will

1 require our full day of session. And so we have two
2 options here. We have several other agenda items that
3 have been suggested, which I think are all great
4 suggestions.

5 That would include the San Bernardino County
6 officials relationships with the BLM. We also have the
7 Fort Irwin Expansion issue. We have geothermal issues
8 and the Cadiz. All of those we certainly, you know,
9 have interest in, I think, as a council.

10 My question to you is: Do you want to spend
11 another day to hit those; or do you want to postpone
12 them to another meeting?

13 COUNCIL MEMBER ELLIS: I would like very much
14 that we certainly set the following meeting today, so
15 that we are always in general scheduling two meetings
16 ahead. So regardless of what we choose to do then, that
17 we can plan generally five to six months in advance.

18 As far as what we might talk about at the,
19 let's say, the second meeting from now, which to me
20 ought to be around early November, perhaps, I guess the
21 question would center around how we want to handle the
22 NEMO document?

23 And in the case of NECO, our thought, which may
24 not be what everyone wants to do, but I think our
25 original thought was that we would be discussing that

1 document in September. Because the BLM would have been
2 able to collate for us the public responses, both verbal
3 and written.

4 And we could respond. And it's my feeling that
5 in the case of the NEMO document, by September, it's
6 unlikely that the BLM would be able to do that for the
7 September meeting.

8 So if we want to handle the NEMO document in
9 the same fashion as we are proposing to do for NECO, it
10 sounds as though we ought to schedule that for perhaps a
11 November meeting.

12 CHAIRPERSON ANDERSON: Well, that sounds good
13 to me. So what you are suggesting, Bob, is, one, we set
14 a date in November sometime. Would folks like to look
15 at their calendars, and we can start looking at possible
16 times?

17 DISTRICT MANAGER SALT: Relative to Bob's
18 comments, I guess I have a concern about delaying
19 council input on NEMO until November. That's going to
20 be a pretty long, you know, dead time between the close
21 of public comments and the opportunity for the council
22 to comment, which will affect our schedule as well as, I
23 think, the momentum that builds through the public
24 comment period on the document.

25 I believe that we can -- I am looking to the

1 managers that are involved in NEMO to bail me out on
2 this. But I am -- I believe that by the September 7th
3 meeting, we ought to be able to have the same summary of
4 public comments available to council that we have
5 committed to do on NECO, as well.

6 I think one of the things that we are going to
7 have to do is structure that discussion a little better,
8 to have some, you know, objectives up front about what
9 we intend to get out of it. Both of those are very
10 thick, complex documents. And if we start going page by
11 page, you know, discussing each conclusion on every
12 page, it might take an hour or two.

13 I guess one of the things that I suggested at
14 the last meeting was the possibility of putting together
15 a subgroup from the council to look at each of those
16 plans and come back to the council and report or
17 something like that, so that we can have a little more
18 structure in the meeting than say, well, let's talk
19 about NECO today.

20 Because I don't really think we are going to
21 have a very productive day if we try to do both plans
22 with that kind of approach. But, again, like I said, I
23 would recommend against deferring the NEMO meeting until
24 November.

25 COUNCIL MEMBER KEMPER: Madam Chair, in regards

1 to NEMO, one of our local district managers has
2 challenged the livestock industry to come up with an
3 alternative plan that will address the resource issues
4 and also the concerns of the users and permittees.

5 And we have been in contact, or I have been in
6 contact, with some specialists in formulating that plan,
7 so it's not just a bunch of jumbled, unsubstantiated
8 ideas.

9 And given the availability and their schedules,
10 what I am being told is that they probably won't be able
11 to give their attention to this project, because of
12 prior commitments, until about September.

13 So if a steering -- if a committee is needed
14 for the NEMO plan in regards to renewable resources and
15 grazing issues, I would be happy to be part of that
16 committee or chair it and involve those specialists at
17 our or my cost and try to come up with a plan.

18 But it may be necessary to go to the November
19 date before we have that plan ready, given the fact that
20 they won't be able to start until September. I guess I
21 need to make a motion to that effect, that we extend the
22 period through November. Is that appropriate?

23 CHAIRPERSON ANDERSON: If that's -- I guess I
24 am confused about: Are you saying that you want the
25 public comment period on the NEMO plan extended? I am

1 not sure.

2 COUNCIL MEMBER KEMPER: Well, I guess what I am
3 asking Tim is maybe that public period would need to be
4 extended, so it wasn't stale information, and give
5 everybody the opportunity.

6 But I guess what I am saying in regards to our
7 element of the plan, if you really want expert opinion
8 and advice involved in the plan in building something
9 that is -- works for the permittees as well as the
10 resource, it doesn't appear a fast track for us at this
11 late date of the game.

12 And, unfortunately, I don't think that most of
13 these people realized this option was available to them
14 until I questioned Molly about it about a week ago or
15 ten days ago.

16 And we have immediately, you know, made some
17 phone calls and had started contacting and trying to put
18 something together that will benefit the total resource,
19 as well as the tortoise, and is something that will work
20 for the permittees, as well.

21 There has been a lot of comments about the
22 environmental committee, which I believe I am part of.
23 And I will say, the uneducated environmental community,
24 when it comes to the raising of livestock, it would be
25 disastrous economically to any one of those ranchers to

1 simply remove those cows from a desert environment and
2 have to feed lot them.

3 Anybody that wants to talk about it at length,
4 I could talk about it for about an hour. And we don't
5 have that much time. I would say it would be
6 disastrous. And I think we have some other options
7 available to us that are much better for the resource as
8 well as the permittees.

9 CHAIRPERSON ANDERSON: And --

10 COUNCIL MEMBER KEMPER: So I guess I made a
11 motion.

12 CHAIRPERSON ANDERSON: Could you clarify that?

13 COUNCIL MEMBER SMITH: Could I suggest that the
14 motion be clarified to indicate that it's our advice to
15 the BLM, rather than a motion that we are making a
16 decision in that regard?

17 COUNCIL MEMBER KEMPER: The motion would be for
18 our advice to be to extend the period on NEMO to
19 November, and if Tim felt it was better, so that the
20 public information wasn't as stale, to extend the public
21 period, say, an additional 30 days. That's my motion.

22 CHAIRPERSON ANDERSON: I guess I am confused
23 about still -- sorry, I am a little slow here -- but
24 about the extend -- what was the first thing that you
25 wanted to extend?

1 I thought what we were doing is all public
2 comment. I mean, basically your group is going to
3 provide an alternative scenario which would be a public
4 comment?

5 COUNCIL MEMBER KEMPER: That would be fine. If
6 we wanted to include all public comment until
7 November -- I think what Tim was saying was that we need
8 the public information prior to this body meeting again
9 and having an opportunity to review it, so they don't
10 come into it cold.

11 CHAIRPERSON ANDERSON: Okay. Then can I do a
12 counter -- well, I know you have made a motion. Is
13 there a second?

14 COUNCIL MEMBER SMITH: I will second it.

15 CHAIRPERSON ANDERSON: Discussion. Great.

16 I have a -- actually, I have a suggestion that
17 with the NECO document, which we will be discussing in
18 September, they will -- the BLM will be providing the
19 council with all of the public comment prior to that
20 meeting, which means the public comment period will have
21 closed.

22 And my suggestion might be that -- my question,
23 I guess, would be if we have -- don't extend the public
24 comment period to November, but do it like until
25 October, then that would give them an opportunity to

1 provide those same public comments for our review prior
2 to the meeting.

3 And my question, is that enough time for your
4 proposal -- your public comment to be submitted?

5 COUNCIL MEMBER KEMPER: I think that for us to
6 be prepared, and by November, it will absolutely be a
7 fast-track, you know, operation. Our experts won't be
8 available until September to start the work on the
9 alternative plan.

10 And there will actually have to be some
11 scientific data reviewed and some new studies done.
12 And, you know, a couple of months isn't a whole long --
13 isn't a whole lot of time. I am trying to figure out a
14 way to do it as quickly as possible, but still have a
15 quality document, or a quality proposal that can be
16 considered.

17 I think it's appropriate that the public
18 comment period end the month before, but you allow the
19 experts to do their job and provide the report, even if
20 it's a month later, so that it's available before the
21 meeting.

22 To tell these guys that are coming from other
23 states that you are only going to have 30 days to
24 prepare a report or an alternative that has taken the
25 BLM years, I don't think it's quite fair.

1 CHAIRPERSON ANDERSON: The answer is no then?

2 AUDIENCE: Point of order. May we have the

3 transcriber read the report -- read the motion back, so

4 the public knows what you are doing?

5 CHAIRPERSON ANDERSON: Sure. Could you make an

6 attempt to read the motion?

7 While you are doing that -- sorry.

8 COUNCIL MEMBER SMITH: Can I make a suggestion

9 in light of a further clarification that you really want

10 to extend the NEMO deadline to October rather than

11 November, that maybe you just restate the motion, with

12 the thought that you are looking for a NEMO extension of

13 time for public comment and then setting a date at which

14 we will be meeting on it?

15 COUNCIL MEMBER KEMPER: I didn't hear the last

16 part.

17 COUNCIL MEMBER SMITH: I think we are dealing

18 with two things in the same motion. One is: When are

19 we going to get together to meet and deliberate on NEMO?

20 And then the second is a request by us to the BLM to

21 extend the public comment period for NEMO into October.

22 COUNCIL MEMBER KEMPER: Actually, if you are

23 including our experts' reports and the proposal that we

24 plan to put together, I believe that we need at least

25 through November to do that, in that the experts won't

1 even be able to start until September.

2 COUNCIL MEMBER ELLIS: I wonder if there is
3 some way to separate what seems to be two issues here:
4 One is the ending of a public comment period, which we
5 really haven't even talked about too much.

6 But you seem to want to have an opportunity for
7 a cattleman's panel to submit an alternative way of
8 dealing with cattle grazing by November. And it seems
9 to me that normally -- I mean, as far as I understand
10 it, the BLM is always open to take comments.

11 The question would be: What is the position of
12 this alternative plan with respect to the draft EIR that
13 would have presumably had closed, as far as the public
14 period is concerned?

15 You know, maybe Tim could comment on that.
16 Because I -- as far as I can understand, you are always
17 open to take information and suggestions prior to the
18 final coming out.

19 DISTRICT MANAGER SALT: There are a lot of
20 means by which we can receive public comment. And, you
21 know, I appreciate Ron's concern and interest. It
22 sounds to me like there is a couple opportunities, ways
23 we can deal with this here: And what I would propose,
24 if the council is interested in Ron's proposal here, is
25 that the council commission a TRT that Ron would be the

1 council representative for.

2 And whatever experts he may choose to involve,
3 you know, comprise that TRT, technical review team, for
4 the reporter, and that that TRT report back to the
5 council as a whole at the November meeting.

6 And I believe that since the grazing proposal
7 is identical in NEMO and NECO, that, you know, whatever
8 we do, we probably ought to do consistent across the
9 desert, and that that proposal address, you know, the
10 grazing aspects of both of those plans.

11 And we could do that after the public comment
12 period had closed, if it came through the council. But
13 I do think, you know, it would be helpful for the
14 council to add to the building sentiment in the public
15 that we need to extend the comment period on NEMO, as
16 well, and you know we will act on that, as well.

17 COUNCIL MEMBER KEMPER: Yeah. I guess when we
18 are talking about NEMO and WEMO and NECO, as far as
19 doing alternative studies, they are going to be somewhat
20 site specific because of the options that are available
21 within those districts.

22 I do know that we have livestock producers from
23 the West Mojave and the East Mojave that will be
24 participating in the process with the experts. I would
25 also, you know -- I think these alternatives might be

1 something that can be used in other areas, as well.

2 But I am not sure that we have time, for
3 example, on NECO to get the experts down there. I do
4 know that we have livestock producers in the East Mojave
5 and the West Mojave that are willing to participate.
6 And I think the alternatives are going to be looking at
7 those parameters specifically in the options that are
8 available within those.

9 So in answer to your question, your comment,
10 yes, the time extension is needed in both of those areas
11 to do a good job in coming up with an alternative which
12 will benefit the resource as a whole as well as
13 livestock producers.

14 So I guess, yes, if you are willing to extend
15 the -- do we even have a comment period on the West
16 Mojave?

17 DISTRICT MANAGER SALT: We don't have a
18 proposal yet.

19 COUNCIL MEMBER KEMPER: And I guess the concept
20 could be used across the board in the other plans. But
21 some of the ideas that are being kicked around will have
22 to deal with resources and assets that are within the
23 parameters, so to speak.

24 COUNCIL MEMBER BETTERLY: So the motion be an
25 order then to continue all of that, both of them, until

1 a certain given date?

2 COUNCIL MEMBER KEMPER: At least the livestock,
3 or at least the livestock production element, I would
4 say.

5 COUNCIL MEMBER BETTERLY: Any public -- until
6 after everything is complete?

7 COUNCIL MEMBER KEMPER: So your suggestion is
8 that we extend both of them until November?

9 COUNCIL MEMBER BETTERLY: I would suggest that.

10 COUNCIL MEMBER KEMPER: That would be fine with
11 me.

12 COUNCIL MEMBER BETTERLY: We have a motion on
13 the floor at this particular time. We either withdraw
14 the motion --

15 COUNCIL MEMBER KEMPER: I am willing to
16 withdraw the motion.

17 COUNCIL MEMBER BETTERLY: Is the second willing
18 to withdraw?

19 COUNCIL MEMBER SMITH: Absolutely. Withdrawn.

20 COUNCIL MEMBER KEMPER: Are you going to make
21 the motion, or you want me to?

22 COUNCIL MEMBER BETTERLY: Go ahead.

23 COUNCIL MEMBER KEMPER: I would make the motion
24 that we advise the district manager, Tim Salt, that an
25 extension period on the public comment on both NECO and

1 NEMO would be appropriate to November 1st.

2 COUNCIL MEMBER SMITH: I will second that
3 motion.

4 AUDIENCE: Please repeat the motion.

5 COUNCIL MEMBER KEMPER: The public comment
6 period would be extended on NECO and NEMO to November
7 1st.

8 CHAIRPERSON ANDERSON: Discussion?

9 COUNCIL MEMBER ELLIS: Let's see. We, as I
10 remember on our last meeting, we voted for a NECO
11 extension. And it was sort of a qualified extension
12 that was to be for 30 days. And then if the manager
13 wished to extend it further than that, he could, as I
14 remembered it. Maybe that's why we have apparently a
15 July 9th date now for NECO.

16 We haven't asked for any extension at this
17 point for NEMO, which, as I understand it, is July 18th.
18 Okay. Let's see. July 18th, August 18th, September
19 18th, October 18th, and you are saying November 1st
20 for -- so this is almost a four-month delay for both
21 plans.

22 So this would be really a six-month delay on
23 most that we would have asked for the NECO and a
24 four-month delay for the NEMO. And primarily it's to
25 address a -- because you feel that there hasn't been an

1 opportunity for the cattle grazers to come up with an
2 alternate plan.

3 I guess that's the sense of the motion. To me,
4 I think there would be perhaps more in order -- the
5 normal sort of extension for this kind of thing is,
6 well, a 60-day, 90-day extension, maybe something on
7 that order. But this does seem like quite a bit.

8 Because in order to keep the thing open that
9 long, it's almost as though the BLM needs to keep
10 publicizing this thing and making sure that more
11 comments come in. It seems too long a period, holding
12 it open for one specific interest.

13 CHAIRPERSON ANDERSON: I would also like to
14 make a comment with regard to NECO. I think the grazing
15 issues down there are primarily sheep grazing. And
16 there is not a lot of allotments down there, one.

17 And so, you know, my feeling is that I hate to
18 see -- I would like to get one of these plans done. And
19 since that one has had a comment period and evidently,
20 you know -- so I would like to get one of those plans
21 done.

22 The other thing was that the grazing sections
23 on all of the plans, including the West Mojave, which
24 has yet to be formulated, we had a TRT, including the
25 cattleman's association that I sat on to come up with

1 the recommendations that we made.

2 The council passed those recommendations. And
3 those are the things that are incorporated in the plans.
4 And I appreciate the fact that you are willing to, you
5 know, go the extra mile and provide more information.

6 But those -- you know, we have taken a stab at
7 it already. So although I don't disagree with an
8 extension for NEMO, you know, I will be unlikely to
9 support the -- this motion; because I would like to see
10 NECO out.

11 COUNCIL MEMBER KEMPER: Madam Chair, the reason
12 that NECO was added was because Tim, I think, is trying
13 to keep continuity throughout the Desert Plan, if I
14 understood what he was telling me correctly.

15 And in regards to one use, livestock producers,
16 I think you missed the intent of what I am trying to
17 accomplish. The only livestock grazing operation that
18 runs well is one that's economically viable. When one
19 is run well, the resource also benefits.

20 We are in the business for the long term. If
21 we deplete the resource in one year or two years or
22 three years, we have effected our long-term management
23 problem, which is what we are trying to correct. What
24 we are trying to come up with is an alternative that is
25 better for the environment. It is not only better for

1 livestock, but it's better for the resource as a whole.

2 And I think that can be done.

3 COUNCIL MEMBER SMITH: I would also like to
4 address another reason for these extensions. I have
5 attended two public hearings on NEMO, and, of course, we
6 had our own public hearing on NECO.

7 And my observation is that the off-highway
8 vehicle community is a very, very large community, a
9 very vital, interested community, and a very
10 contributing community to the future of the desert, and
11 that they have shared deep apprehensions about the
12 future of this planning, almost to the point of being
13 paranoid that the next step after this is to eliminate
14 them.

15 And then along with that, I have seen a lot of
16 difficulty expressed by people representing or part of
17 that community in obtaining good maps in a way that they
18 can easily work with them.

19 And I think right now, as it stands, if they
20 want good maps where they can see the designated routes
21 and color coded, they have to go to the main office in
22 Riverside or to the field office. And there is nothing
23 really wrong with that.

24 But I think in light of the nature and
25 importance of this community, and I think that when we

1 leave these issues, and these plans are adopted, that we
2 want to make sure that this community feels that it was
3 well represented and well listened to. So I would
4 use -- I personally would feel very strongly that those
5 are good reasons to request an extension.

6 CHAIRPERSON ANDERSON: Okay. No further
7 discussion. Those in favor of supporting the extension
8 to November 1st for the Northern and Eastern Colorado
9 public comment period and the Northern and Eastern
10 Mojave comment period, raise your hands.

11 Opposed?

12 AUDIENCE: What was the count?

13 AUDIENCE: Nine to two.

14 AUDIENCE: Did somebody take a count this time?

15 CHAIRPERSON ANDERSON: Okay. The motion
16 passes, nine to --

17 AUDIENCE: It was ten to two.

18 CHAIRPERSON ANDERSON: Ten to two.

19 COUNCIL MEMBER KEMPER: The record will reflect
20 ten to two, correct, Madam Chair?

21 COUNCIL MEMBER ELLIS: Do you want to phrase
22 the motion formally, and then say that it passed maybe?
23 Or did you do that already? I mean, I think just to
24 underline it and then --

25 CHAIRPERSON ANDERSON: Yes. The Desert

1 Advisory Council voted ten to two that we recommend to
2 the BLM that the public comment period for the Northern
3 and Eastern Colorado Plan and the Northern and Eastern
4 Mojave Plan be extended to November 1, 2001.

5 COUNCIL MEMBER ELLIS: Can we set a second
6 meeting while we are here?

7 CHAIRPERSON ANDERSON: Yes, absolutely.

8 DISTRICT MANAGER SALT: As we move to set the
9 date for the second meeting, if we are going to adhere
10 to the commitment that we made previously about
11 providing you a summary of public comment, that's going
12 to take a while.

13 And so I question whether or not we will be
14 able to have a -- have that prepared before like the
15 time everybody wants to go to Thanksgiving and those
16 kinds of things. So we are probably looking at the
17 first part of December.

18 CHAIRPERSON ANDERSON: Well, if that's the
19 case, then how are people's schedules for Friday,
20 November 30th, and Saturday -- that would be the field.
21 That would be -- I presume we would have a field trip
22 involved with that. The meeting date would be Saturday,
23 December 1st.

24 COUNCIL MEMBER KEMPER: Of which month?

25 CHAIRPERSON ANDERSON: December 1st, 2001.

1 Does that work with a majority of council peoples?
2 Okay. We will set that as our meeting date.
3 The meeting date, September 6th, with the
4 formal meeting on the 7th, also stands. And --
5 COUNCIL MEMBER LEIMGRUBER: It's the 14th.
6 COUNCIL MEMBER DENNER: 7th and 8th.
7 CHAIRPERSON ANDERSON: No. The December
8 meeting, I think we have agreed that the formal meeting
9 would be the 1st. The field meeting would be -- that
10 falls on November 29th, a Friday, which is November
11 29th. Saturday is December 1st.
12 I'm sorry. Friday, December 30th.
13 COUNCIL MEMBER ELLIS: November 30th.
14 CHAIRPERSON ANDERSON: December -- November.
15 COUNCIL MEMBER LEIMGRUBER: Been a long day.
16 CHAIRPERSON ANDERSON: Let me try it one last
17 time. Friday, November 30th, and Saturday, December
18 1st, 2001.
19 COUNCIL MEMBER LEIMGRUBER: Madam Chair, does
20 our meeting on September 14th still stand?
21 CHAIRPERSON ANDERSON: I had the meeting as
22 Friday, September 7th, and the 8th, not the 14th and
23 15th.
24 COUNCIL MEMBER LEIMGRUBER: September 7th?
25 CHAIRPERSON ANDERSON: 7th and 8th, the week

1 before.

2 COUNCIL MEMBER LEIMGRUBER: Yes, on the 7th.

3 Excuse me.

4 COUNCIL MEMBER RISTER: Desert Hot Springs.

5 CHAIRPERSON ANDERSON: Yes, I believe that it

6 does. Because I believe we can cover some of the other

7 agenda issues that were brought up as items that needed

8 to be agendized today. And those would include, again,

9 the relationship between San Bernardino County and the

10 BLM, Fort Irwin expansion, geothermal issues, and Cadiz,

11 if that's the pleasure of the council.

12 DISTRICT MANAGER SALT: As always, we want to

13 try to please the council. But we also like to try to

14 make the field trip meaningful to the meeting on

15 Saturday. And while we already have all the

16 arrangements made at the hotel at Desert Hot Springs,

17 none of these issues lend themselves very well to a

18 field trip out of Desert Hot Springs. So --

19 CHAIRPERSON ANDERSON: Well, perhaps we could

20 cancel the field part of it and just have a meeting.

21 That would only take up one day of everyone's time. And

22 we could arrange for that on Saturday.

23 COUNCIL MEMBER SMITH: Either that, or we might

24 take a field trip into the cattle country and try and

25 eyeball what 230 pounds of grass forage is, and what

1 that means. And maybe some of us who are not cattle
2 people might actually understand what's going on.

3 COUNCIL MEMBER KEMPER: Actually, I appreciate
4 the opportunity to do that. But in September, you won't
5 have any grass. By September, you will have the August
6 rains. And, you know, the cattle will be foraging on
7 shrubs.

8 COUNCIL MEMBER DENNER: Madam Chair, since the
9 primary topic at that point I think is going to be
10 NECO -- that's going to be the plan that's farthest
11 along -- it seems like it would make sense to meet in
12 the NECO area.

13 Furthermore, we used to have a meeting
14 scheduled in the El Centro area. Many of these people
15 have never been down in that area and seen a lot of the
16 things we are talking about today. I would like to
17 propose we meet in El Centro in September. You know, it
18 will be starting to cool down by then.

19 CHAIRPERSON ANDERSON: But all of the
20 arrangements have already been made for the meeting in
21 Desert Hot Springs. And we won't be discussing NECO
22 there, anyway.

23 From my understanding, those will be -- there
24 won't be an opportunity for full public comment to be
25 collected and submitted to the council until our

1 December meeting. And that's when we will be discussing
2 NECO and NEMO, was my understanding.

3 COUNCIL MEMBER DENNER: I would still like to
4 propose then in December maybe we meet in El Centro. We
5 are way overdue for a trip down there.

6 CHAIRPERSON ANDERSON: That's very appropriate.

7 COUNCIL MEMBER ELLIS: Would it be possible to
8 have a field trip of the new NCA in September? That
9 would get us up a little higher in the area there above
10 Palm Springs. I know I haven't seen that area. And
11 that sounds like a pertinent thing to do.

12 And I am sure there might be some other --
13 something around there that can be useful for us to see.
14 Perhaps something on the Coachella Habitat Plan, as
15 well. These are things we are going to be dealing with
16 down the road, to some degree.

17 DISTRICT MANAGER SALT: Certainly, we are
18 always happy to show off the Santa Rosa National
19 Monument. And while that would be entertaining, it
20 wouldn't relate to any of those issues. But I think the
21 suggestion -- I mean, we haven't yet begun to tackle the
22 Coachella Plan.

23 So it would be worthwhile to at least get an
24 overview of Coachella Plan issues and spend some time in
25 anticipation of the council's involvement later on. You

1 up for that, Jim?

2 JIM KENNA: As always, I am at the disposal of
3 the council.

4 CHAIRPERSON ANDERSON: It's Desert Hot Springs
5 September 7th and 8th. And we will get an agenda out to
6 you. If you have, you know, other suggestions after you
7 leave this meeting, of course, please contact me. And I
8 will be more available, so we can incorporate that. And
9 then in December, in El Centro, where we will talk about
10 NECO and NEMO.

11 DISTRICT MANAGER SALT: I have one question.
12 We identified through the discussion today -- people
13 suggested four agenda topics: The San Bernardino
14 relationships, Fort Irwin expansion, the China Lake
15 geothermal issue, and Cadiz.

16 Some of them we have discussed already today.
17 And I just want to make sure that whoever suggested
18 those still feels that based on the discussion we had
19 today that there is continuing need for all four of
20 those before we try to agendize them.

21 COUNCIL MEMBER MC QUISTON: On the China Lake
22 geothermal, I merely offered to try to coordinate a
23 briefing on that. It wasn't a recommendation. I am not
24 quite sure where that came from. But if it's of
25 interest, then I can certainly coordinate a -- some sort

1 of handout or briefing on it.

2 COUNCIL MEMBER DENNER: I think the Cadiz water
3 project update still holds.

4 COUNCIL MEMBER ELLIS: I think Fort Irwin still
5 holds.

6 COUNCIL MEMBER SMITH: So does the relationship
7 to San Bernardino County, particular with law
8 enforcement ramifications that we have been talking
9 about.

10 DISTRICT MANAGER SALT: Okay.

11 GREG THOMPSON: Madam Chair, at some point, I
12 would like to talk about the December meeting. I don't
13 know if this is the point.

14 CHAIRPERSON ANDERSON: Sure.

15 GREG THOMPSON: I realize the council's
16 interest in holding a meeting in El Centro, because it
17 has been a while, and there are a number of issues that
18 would be appropriate down there.

19 I am a little bit concerned right after
20 Thanksgiving weekend to do that. Because my staff is
21 literally working twelve-hour shifts for probably over a
22 week straight. We will have worked straight through the
23 holiday, through the weekend, and usually use that time
24 to try and recover and get better before the next time.

25 So I realize it's really a timing problem from

1 the council's standpoint. But I think we wouldn't be
2 able to prepare well for it. So I --

3 CHAIRPERSON ANDERSON: Would an extra week --

4 GREG THOMPSON: Do the next one, if it's
5 possible.

6 COUNCIL MEMBER BETTERLY: 7th and 8th?

7 CHAIRPERSON ANDERSON: Well, yes. I mean, I am
8 certainly open to that. Other people have problems with
9 December 7th, Friday, and December 8th, Saturday?

10 COUNCIL MEMBER KEMPER: I have a conflict on
11 the 7th.

12 COUNCIL MEMBER BETTERLY: That's just a field
13 trip. You won't have a conflict for --

14 COUNCIL MEMBER RISTER: We don't have
15 allotments, anyway.

16 CHAIRPERSON ANDERSON: Okay. Then at the
17 council's pleasure, we will move that to accommodate --

18 GREG THOMPSON: So right now, we are looking at
19 the 7th and 8th?

20 CHAIRPERSON ANDERSON: Of December.

21 GREG THOMPSON: Let me ask: Is the 14th and
22 15th pushing it too far?

23 COUNCIL MEMBER SMITH: Yes.

24 CHAIRPERSON ANDERSON: Okay. It's now been
25 changed. The meeting in El Centro will occur on

1 December 7th and 8th covering NECO and NEMO.

2 Thank you.

3 Now, I would like to turn back to the council

4 discussion on "Off Road to Ruin." Other comments?

5 COUNCIL MEMBER MC QUISTON: Was there going to

6 be further comment?

7 CHAIRPERSON ANDERSON: I wanted to give the

8 council members a chance to make any other additional

9 comments --

10 COUNCIL MEMBER MC QUISTON: I will reserve mine

11 until the end.

12 CHAIRPERSON ANDERSON: I will open it up to

13 public comment.

14 COUNCIL MEMBER KEMPER: Just one comment and

15 one request. And it was something that we talked about

16 earlier -- was that there has been some concern on

17 council members that they are giving of their time in

18 hopes of being able to make a difference. They don't

19 expect that every suggestion that they make as a council

20 will be incorporated.

21 But at least they would like to have a response

22 as to, yes, we are incorporating it, or, no, we are not,

23 and then this was our reasoning. And I think earlier

24 today, we suggested if we had a response in writing as

25 to the advice this council gives the district manager,

1 it might alleviate those feelings. And I personally
2 think it would be helpful. And I will make that motion.

3 COUNCIL MEMBER LEIMGRUBER: Second it.

4 CHAIRPERSON ANDERSON: Discussion?

5 COUNCIL MEMBER ELLIS: Is the motion that when
6 the council passes a particular item that -- that we
7 make a recommendation to the manager, that at some
8 point, either before or after the decision is made, that
9 we always get a written response with some -- maybe a
10 background and a rationale for either making the
11 decision in our favor or not?

12 COUNCIL MEMBER KEMPER: Preferably before the
13 decision is made, but yes.

14 COUNCIL MEMBER ELLIS: I support that. Sounds
15 like a reasonable thing. And the response would be, I
16 presume, made to the chairperson and then published to
17 the council.

18 COUNCIL MEMBER KEMPER: I think it should be
19 incorporated in the old minutes or the old business, you
20 know, what action was taken. So it would show up on our
21 next agenda if it was appropriate, or the -- whenever
22 the decision was made, or right prior to it, the thought
23 process and whether or not we had an impact.

24 CHAIRPERSON ANDERSON: So are you requesting
25 then that that response be part of the next agenda?

1 The minutes. So it would be added onto the
2 minutes?

3 COUNCIL MEMBER KEMPER: It would just reflect
4 as action items and decisions that have been made, and a
5 line.

6 CHAIRPERSON ANDERSON: Okay. Call for the
7 vote? Those in favor?

8 Opposed?

9 COUNCIL MEMBER SMITH: Abstain.

10 CHAIRPERSON ANDERSON: Did you get a count on
11 that?

12 DORAN SANCHEZ: 11 and 1. Well, actually 11
13 and an abstention.

14 CHAIRPERSON ANDERSON: Okay. Great.

15 COUNCIL MEMBER ELLIS: Could you rephrase that
16 past motion, so that she has it down real good?

17 CHAIRPERSON ANDERSON: Did you get that?

18 Thank you. Is that satisfactory, Bob, that
19 it's in the minutes and --

20 COUNCIL MEMBER ELLIS: (Nodding.)

21 CHAIRPERSON ANDERSON: Frankly, I don't know
22 that I could have regurgitated that in an appropriate
23 manner.

24 Okay. Any other discussion on "Off Road to
25 Ruin" by the council members?

1 COUNCIL MEMBER CASEBIER: I would like to make
2 a comment.

3 One of the things that bothers me about this
4 entire process -- and I have been watching the process
5 ever since BLM has been in the resource management
6 business -- is you will sit through a meeting like this
7 and listen to the different sides. And you would think
8 there is enough common ground that something could be
9 done.

10 But I would like to say that I think something
11 like this "Off Road to Ruin" doesn't help at all. It's
12 unprofessionally done, misleading in many places, and
13 it -- all it really accomplishes is to continue the
14 antagonism that exists.

15 CHAIRPERSON ANDERSON: Any other council
16 comment? Okay.

17 I am -- finally like to open it up to public
18 comment then. And I have a list -- I have forms turned
19 in. If there is others of you that would like to make
20 public comment, the forms are back on the back table.
21 And just bring them up.

22 So I will start with Douglas Parham. I will
23 put a three-minute limit on this; because we would like
24 to leave sometime this evening.

25

1 PUBLIC COMMENT

2 DOUGLAS PARHAM: I would like to address my
3 comment to what Mr. Casebier just said. And he took a
4 look at the document and said that it doesn't really
5 help. It antagonizes and separates the two sides. And
6 I certainly do not favor that.

7 But, on the other hand, one only has to go out
8 in the desert a few miles to see undeniable effects to
9 the habitat of precious creatures done by vehicles. And
10 I think the reason why I am here and I think the reason
11 why the publication was written in the first place is to
12 try to figure out how that can be controlled, how that
13 can be mitigated, how we can protect creatures and still
14 have our desert open for public access.

15 People that want to use the desert for whatever
16 are asking for the freedom to have access. The other
17 folks like myself are wanting the freedom to protect
18 endangered species. Thank you.

19 CHAIRPERSON ANDERSON: Scott Molloy, followed
20 by Marie Brashear.

21 SCOTT MOLLOY: My name is Scott Molloy. I am
22 with J. Whelan and Associates. We represent --

23 CHAIRPERSON ANDERSON: You will need to speak
24 into the mic.

25 SCOTT MOLLOY: We represent land owners,

1 environmental organizations, people in the government
2 sector, and just a broad range of issues dealing with
3 the environment, land use, and even issues like off-road
4 vehicle use.

5 CHAIRPERSON ANDERSON: It may help if you tilt
6 the mic a little bit.

7 SCOTT MOLLOY: Okay. We were asked to review
8 the document by the -- by the San Diego Off-Road
9 Coalition. And you have our letter. All of you should
10 have a copy of our letter.

11 I don't really need to go through some of the
12 statements that we found in the document that seemed
13 almost outlandish. But in any event, I think -- Dennis,
14 you put it best. It only creates a wider gap between
15 the off-road vehicle community and the environmental
16 community and other recreationists.

17 The majority of users are law abiding. They do
18 ride on existing trails and designated areas. They do
19 not litter or commit crimes. This report essentially
20 tried to cast all of them as just the opposite.

21 I think it's -- it's really important to, when
22 you review a document like this -- many of you realize
23 it doesn't have a lot of relevance. But you cannot come
24 to valid conclusions with false premises. And that's
25 the bottom line. Even if the conclusion actually has

1 the remote chance of being true, with a false premise,
2 there is no validity to the conclusion. So you should
3 not make recommendations based on that. That's all I
4 have to say. Thank you.

5 CHAIRPERSON ANDERSON: Marie Brashear, followed
6 by John Borchman.

7 MARIE BRASHEAR: Hello. I am Marie Brashear.
8 I am involved in too many organizations to enumerate.

9 I came to urge -- actually, I came to put it on
10 record. In April sometime, the NEMO plan was released
11 to the public. I attended the scoping hearings on the
12 NEMO plan. I prior served on the California Desert
13 Advisory Committee for a little over eight years. I am
14 well known. My address is in, I think, everybody's
15 file.

16 I sent an E-mail to Tim Read saying, I think
17 there might be a NEMO plan out. I have heard there is.
18 He had Edy E-mail me. She said, oops, made a mistake.
19 Yes. We didn't mail you one. Sending you one today.
20 That was three weeks ago.

21 I have since E-mailed her again, saying: Where
22 is my plan? I checked the mail Friday before I came up
23 here. I still have no NEMO plan.

24 So I would suggest that based upon the fact
25 that I will be commenting on the NEMO plan that an

1 extension is probably in order. Or you will be in
2 court. I did not get it. It is almost two months since
3 it came out. And so I think maybe November 1st is
4 probably a pretty good idea.

5 I have a couple of other points I just wanted
6 to make in passing. But that's why I really came was to
7 get that on record.

8 We were talking a lot about law enforcement
9 earlier today. I don't know how many of you guys know,
10 but approximately 80 percent of our current law
11 enforcement in the BLM is being paid for by the Drug
12 Enforcement Administration. They have first call on our
13 rangers.

14 Resources are not being protected. Because we
15 get to send folks off to Santa Barbara to do a drug bust
16 here and off to Stanislaus to do one there, and off to
17 hither and yon to do the DEA bidding. I am not real
18 sure that if we got 27 more rangers from the OHV
19 committee, unless there was some specific language that
20 said, they don't go anywhere, they stay in the CDCA,
21 they enforce the laws in the CDCA, it would do you any
22 good.

23 I have another point here. Barstow-to-Vegas
24 was mentioned earlier. Tests were done on the soils.
25 Mr. Wilshire said they didn't test in the washes. They

1 only tested up on the alluvial fan. And there was
2 compaction.

3 I don't know how many of you know that the
4 starting area for the Barstow-to-Vegas was a tank
5 marshalling area, expected to be compacted. And those
6 areas not in washes were on roads, also expected to be
7 compacted. So maybe none of those surveys had any
8 validity whatsoever.

9 Thirdly, some of you may have not grown up on
10 farms. We happened to have turkeys, chickens, a whole
11 lot of other things where I grew up. And if you compact
12 animals in a chicken yard, you are not going to have
13 anything growing in that chicken yard.

14 If you let them range freely, you will have
15 good things growing everywhere. You put up a fence here
16 to protect this little rose and that over there to
17 protect something else. But you allow them to disburse;
18 your yard is not damaged.

19 If you confine people -- and that's what we are
20 talking about. We have lost millions and millions and
21 millions of acres of access -- Gramham was right about
22 that -- since 1976. And now what we have left is tiny
23 little pieces here, there, and everywhere, which the
24 world is fighting over. That is another commitment that
25 hasn't been kept. Those are just some flaws that I

1 thought I would share with you.

2 CHAIRPERSON ANDERSON: John Borchman followed
3 by Vicky Warren.

4 JOHN BORCHMAN: My name is John Borchman. I
5 don't have a whole lot to say. But this was divisive
6 stuff, the report. And if it was submitted to an
7 architect, he would say: Please revise and resubmit
8 this report. That's all.

9 CHAIRPERSON ANDERSON: Vicky Warren will be
10 followed by Ron Schiller.

11 VICKY WARREN: I have some very specific
12 questions. Where did he go? Oh, there he is.

13 You mentioned that some of these -- some of the
14 damage to some of the soils were irreversible. I read
15 your report. I have to admit that there were times that
16 I didn't go front to back. But I read quite a bit of
17 it.

18 Can you specify your studies that indicate any
19 of it that you found is irreversible? I need proof.
20 You put something out like this. Let me back up just a
21 minute.

22 The words that Jim Bramham used, he said that
23 "propaganda" was too harsh a word. It's too soft a
24 word. That's what this is for. That's fine. That's
25 what you got from it. But your credibility is being

1 damaged by throwing these things out without proof. Can
2 you specify?

3 PAUL SPITLER: Madam Chairman, do I respond?

4 CHAIRPERSON ANDERSON: Perhaps you can talk to
5 him.

6 VICKY WARREN: Some of this public comment I
7 want on the record. We will talk later about that. Let
8 me get a couple other things then.

9 That's fine. Your specific proof of damage is
10 what I was looking at. You said that you have that for
11 the Algodones, too. So we will have to talk later. And
12 I want to make a point --

13 CHAIRPERSON ANDERSON: Ms. Warren, can you
14 speak into the mic, so everyone can hear you, please?
15 Thank you.

16 VICKY WARREN: When you take 50 percent of
17 somebody's riding area away, and you put them all into a
18 little tiny area -- actually, the plaintiffs are what
19 caused the impacts on that land. They should really
20 talk about that amongst themselves.

21 We only have 5 percent now. Your -- you have
22 said that in your report. We have said that all over
23 this day. 5 percent is all we have got left. When is
24 that going to be enough? 3 percent, 2 percent, 1
25 percent, zero? When is that going to be enough?

1 5 percent is all we have got. You have got 95
2 percent to do your walking and everything else. We
3 don't want to give up the last little bit. And the
4 rest, I will talk to him myself.

5 CHAIRPERSON ANDERSON: Ron Schiller will be
6 followed by Jim McGarvie.

7 RON SCHILLER: I would like to thank you for
8 indulging me again, the opportunity to be at the mic.
9 First, I would like to thank Mr. Roy Denner and Mr. Jim
10 Bramham for facing this head on and bringing it out in
11 the open and bringing it to a discussion.

12 I think that's important. Rather than ignore
13 and avoid the issues, I think this is good. I am a
14 little concerned with the way the report was brought
15 about, in that Mr. Spitler's organization of which he
16 heads and his position on the OHV Commission causes me
17 great concerns and maybe a little embarrassment.
18 Because of this situation, it makes me question the
19 sincerity of his participation in the OHV Commission.

20 I would like to address something that was said
21 earlier today in the -- in the meeting here, when
22 Mr. Patterson indicated that we had a lot of common
23 ground. I would like to go on the record as stating
24 that although we probably have some common ground in the
25 areas of -- the areas where we are -- share a great

1 concern over the resources, the wildlife, and the
2 natural -- and the caring for public land, I would like
3 to stress there is a difference.

4 And the difference is how we perceive the
5 decisions should be made. I believe, and advocate
6 constantly, everybody's right to participate in the
7 public process. That provides the best management plan,
8 even though you have to listen to a lot of opinions that
9 you may not agree to.

10 That's going to be for the best -- the best
11 option we have. I am a strong advocate for everyone's
12 participation. It appears that Mr. Patterson's
13 organization believes that we should take the situation
14 to the court.

15 The problem with taking the situation to the
16 court is, it robs us all of the opportunity to
17 participate. It only allows participation by those
18 wealthy enough to be able to participate in the court
19 system, which is a very expensive process.

20 It also diverts the focus of the agency from
21 resource management to litigation and robs them of
22 precious funding that we need to be used for the
23 management of public land. And the personnel resources
24 that's needed, as well, are misdirected toward the
25 lawsuit -- to any litigation. So I just wanted to make

1 that clarification before we ended. And thank you very
2 much.

3 CHAIRPERSON ANDERSON: Jim McGarvie.

4 AUDIENCE: He is gone.

5 CHAIRPERSON ANDERSON: Leon Fontaine. Leon
6 will be followed by Robert Strub.

7 LEON FONTAINE: Thank you. This has been a
8 very educational day. I live in the Tehachapi area; so
9 I get to enjoy the desert. And I just appreciate the
10 fact that you all are here and accepting public
11 comments.

12 And I would echo what Mr. Schiller said, public
13 comments help us all make a better informed decision. I
14 think the lesson I have learned today is that we all
15 need to lobby our Congress people to get the support
16 that the BLM truly needs to get this job done. So I
17 certainly hope that other people will do that, too.
18 Thank you.

19 CHAIRPERSON ANDERSON: Robert Strub will be
20 followed by John -- I will massacre this -- Dalglish.

21 ROBERT STRUB: Is this the comment period
22 that's on the agenda, or is this --

23 CHAIRPERSON ANDERSON: Yes, it is.

24 ROBERT STRUB: It is. Okay. My name is Bob
25 Strub, S-t-r-u-b. And I am with the Searles Valley

1 Municipal Advisory Council and specifically on the Lands
2 Committee. And what I wish to address here is Highway
3 178.

4 I have tried to raise it into NEMO, the Navy,
5 WEMO, the Army. They say, this is the improper venue.
6 Come to these people. And so here I am. Hopefully, you
7 can help me.

8 Highway 178 stops at the Trona Pinnacles. It
9 starts up again thereabouts around Shoshone. And if you
10 look at Death Valley, and you drive through it, and you
11 are driving north, you will notice there is a shortage
12 of routes that are paved that go to the left towards
13 California that has a bigger population than Nevada.

14 Nevada has a smaller population than
15 California. And yet it has four times as many paved
16 routes going into Nevada. I think we need some routes
17 going into California. One more. And I would like to
18 see 178, which has been on the books since World War II,
19 to be that item, one route additional.

20 Now, if you look -- I would like it be fit for
21 commercial traffic, too. If you look at a map -- I have
22 a Triple A map here of southern California. And you
23 look at the map. Here is Highway 15. And let's define
24 what a commercial route is, just -- it's a route that
25 commercial trucks use and feel safe on.

1 Now, if you go north around 400 miles, you are
2 off this map. Because they don't like Route 6, and they
3 don't like the route that goes through Stovepipe Wells.
4 They are too steep.

5 You have to go all the way up to Lake Tahoe in
6 order to get a satisfactory commercial route going
7 through from east to west. That's too far. That's too
8 much distance. And it impacts us.

9 Now, the price of gas has gone up. The price
10 of a man hour has not gone up recently as much as the
11 price of gas. So now coming down the 395 through the
12 pristine areas there that everybody likes to see, scenic
13 driving -- they are expanding the 395 to two lanes.
14 They are getting a lot more traffic. People aren't
15 going over the passes in their big trucks any more;
16 because the cost of fuel makes it improper for them.
17 It's an economic decision.

18 We would like to see it going through either
19 Navy property, park property; but we would like it to be
20 a low commercial grade pass without all the steepness.
21 And we would like it to be safe.

22 So what are we talking about here? We are
23 talking about 45 miles as the bird flies. The cost
24 benefit on an incremental scale is tremendous. And I
25 think it's worth pursuing and studying. Thank you.

1 CHAIRPERSON ANDERSON: John Dalglish.

2 JOHN DALGLEISH: It's Dalglish,
3 D-a-l-g-l-e-i-s-h, for the record.

4 I have some questions for Mr. Spitler. I can
5 read them all right now. If you could respond to them
6 either later on in a comment period or however is best
7 for the council.

8 CHAIRPERSON ANDERSON: Actually --

9 JOHN DALGLEISH: These were comments that he
10 made during his presentation.

11 CHAIRPERSON ANDERSON: Actually, the comment
12 period is for any comments that you would like to make
13 to the council themselves. And if you have comments for
14 Mr. Spitler, you can do that --

15 JOHN DALGLEISH: I had one more for you, also.
16 The Peirson milk vetch also grows in Mexico. It's
17 not -- the Algodones Dunes, at least in California, is
18 not the only place that the PMV grows. It does grow in
19 Mexico, and it also grows in the closed area north of
20 78. So the area that was open to us up until last
21 November is not the only place that the Peirson milk
22 vetch does live.

23 CHAIRPERSON ANDERSON: I appreciate that
24 clarification. And I hope I didn't mislead you. I was
25 talking about the Algodones Dunes as a whole ecosystem

1 island there. I definitely agree.

2 JOHN DALGLEISH: Thank you.

3 CHAIRPERSON ANDERSON: Marty Koppel, followed
4 by Dana Sunkimat.

5 MARTY KOPPEL: Marty Koppel speaking as a
6 private citizen, addressing Roy's concerns and proposing
7 a solution.

8 The primary reason of degradation for the
9 desert tortoise in the California City area is not
10 off-road activity, of which we have a lot. It is the
11 upper respiratory tract disease which is exacerbated by
12 lack of adequate moisture and food source.

13 It is raven predation. The ravens have
14 increased over 15 times. The ravens like to eat the
15 eggs of the desert tortoise; because it has got a lot of
16 nutrient in there. They like to eat the desert
17 tortoise. If the desert tortoise is too big, they peck
18 out his eyes in order to try to get a handle on him. So
19 we have got a lot of tortoises running around there
20 blind.

21 And, three, the reduction of water availability
22 in the last 50 years. There is not as much water out
23 there as there used to be. It's not hard to procreate
24 desert tortoises. Anyone who sells tortoises at a
25 carnival or fair knows that. Any illegal backyard owner

1 knows that.

2 They procreate like little piggies. Why then
3 has the population of the desert tortoise natural area
4 in California City decreased by 90 percent since the
5 inception of the desert tortoise natural area in 1972?

6 In fact, I have to ask: How has the desert
7 tortoise holocaust allowed to happen? Where was the
8 concern and the oversight? My suggestion is and will
9 continue to be to turn the desert tortoise natural area
10 and other areas and species into species-friendly
11 preserves.

12 Enough of the technical mumbo-jumbo. These
13 animals are no different than any others. They need
14 proper subsistence to survive. The idea of leaving them
15 out there dehydrating and starving is not just
16 ridiculous, it's cruel to the extreme. It's as cruel as
17 the human holocaust was to humans.

18 How many millions of tax dollars have we wasted
19 on this failed strategy with virtually no results? It's
20 time to do as they do in Africa or with other species in
21 this country. It's time to change California City
22 desert tortoise natural area and other such areas into
23 species-friendly preserves where at least the holocaust
24 survivors can be relieved of the starvation and
25 dehydration. It's time to do what's right by these

1 animals as caring human beings.

2 It's time to see some real good done for our
3 taxpayer dollars. I expect to see some recognition of
4 these ideas from the West Mojave Plan and with the Fort
5 Irwin mitigation funds. The money is there. Use it
6 beneficially for the species. Do it quickly while there
7 are enough survivors to do so.

8 Now, one last frustration. For those people
9 from the L.A. basin or other areas that believe we
10 locals of east Kern County don't care or don't try to
11 protect our environment, hear my frustration that I
12 cannot get the BLM or Fish and Wildlife or seemingly
13 anyone else to help with these animals.

14 Okay. That's that. Now, let me go back to --
15 from the buying of private property to -- that could be
16 used for off-road activities with the Green Sticker
17 funds, buying such properties would help eliminate
18 private property trespass and liability to private
19 property owners, of which I am one.

20 Regarding off-road -- off-road and horse trail
21 mixture -- I used to ride horses a little bit. And
22 unfortunately I have had -- whenever one of these fast
23 moving, usually noisy vehicles would come too close to
24 the horse, they would get a bit antsy. And sometimes --
25 one of my friends almost had a serious situation.

1 I would suggest that somehow, if there is going
2 to be the two activities, that you keep them somewhat
3 separated for the safety of the horse riders. Thank
4 you.

5 COUNCIL MEMBER DENNER: Madam Chairman, could I
6 comment on that, please? I have a question to direct to
7 Tim Salt.

8 Has anyone ever looked into that concept? I
9 always thought it would be a great idea to put the
10 tortoises in a preserve area and make sure that they
11 have plenty of nutrients and medicine and research or
12 whatever to help them multiply. Has that concept been
13 considered?

14 DISTRICT MANAGER SALT: There is -- there is
15 some research being done on head starting and some of
16 those kinds of things. As far as putting them in a
17 controlled environment, I am not aware of anything like
18 that.

19 COUNCIL MEMBER DENNER: Is there any
20 environmental constraints or law that would prevent that
21 from happening? I mean, if I decided I wanted to start
22 a program like that, could I go out there and collect
23 turtles and do it?

24 DISTRICT MANAGER SALT: No, you could not. I
25 mean, I think in a controlled situation, you know, with

1 the right agencies involved, those kinds of things could
2 happen. And I think one of the things we have looked at
3 as part of the Fort Irwin situation and part of the West
4 Mojave situation is that we don't want to leave any
5 stone unturned.

6 But I think to expect that a head starting
7 program or anything like that is going to be the
8 solution, you know, is probably overly optimistic. I
9 think we need to look in terms of those kinds of things
10 as being part of the solution. But as we talked about
11 yesterday on the field trip, I think it's going to take,
12 you know, a combination of a lot of things to get
13 things, you know, where they need to be to ensure
14 recovery.

15 One of the big concerns with the head starting
16 program is, if you head start healthy tortoises and put
17 them back into an environment where there is still
18 disease, you haven't really accomplished much. So the
19 concern is, you know, where do you put those tortoises
20 after you head start them?

21 COUNCIL MEMBER DENNER: I agree with you. I am
22 not suggesting it could be the whole solution. But
23 certainly, just like we are looking at eliminating the
24 impact from the OHV vehicles -- you know, I am surprised
25 that somebody hasn't looked into that. You know, I

1 don't know how the other council members feel.

2 But I would be interested in hearing from your
3 desert tortoise person, you know, maybe on the next
4 agenda or something, what would be the ramifications of
5 having some kind of a breeding farm like that?

6 DISTRICT MANAGER SALT: As part of the -- this
7 is an area where Senator Feinstein has a lot of
8 interest. And as part of the legislation, the Fort
9 Irwin expansion legislation, there was identification of
10 need for some research areas within -- you know,
11 adjacent to the expansion area where these kinds of
12 research projects could be done. So, you know, there is
13 an interest in that. But, again, it's the silver bullet
14 that now is only part of the solution.

15 COUNCIL MEMBER KEMPER: Tim, you can't get rid
16 of the mic that quick. Actually, what I -- a small
17 period of time, and I will make this as short as
18 possible -- is if this is a tortoise trend, to pass
19 disease to other tortoises -- and we are out there and
20 we are doing surveys right now, and we are checking the
21 health of these tortoises -- have any thoughts been
22 given to identifying infected tortoises and maybe
23 removing them from the tortoise population in order to
24 contain and test and treat and maybe do something that's
25 of benefit? But if we know we have an infected

1 tortoise, are we just leaving it?

2 DISTRICT MANAGER SALT: I am not aware of any
3 program of that nature or any -- that any consideration
4 has been given to that.

5 CHAIRPERSON ANDERSON: I still have a stack of
6 cards here.

7 We appreciate you waiting. You have been
8 waiting a long time. Dana Sunkimat, followed by Julie
9 Cotton.

10 DANA SUNKIMAT: First, I would really like to
11 say thanks to the council and to Hector and Steve from
12 the Ridgecrest office for letting the SCA crew
13 participate in the trip yesterday and this meeting
14 today. It's really interesting and educational for
15 us -- or for me, at least. I am sure that the crew
16 feels the same. So, thanks. That was really great. We
17 had a really great time.

18 And my comment is about the "Off Road to Ruin."
19 The tanks, about the tank tracks, I would just like to
20 say that I am out there. And we see all the tracks of
21 motorcycles and what have you. And whether it's one
22 track or 5,000 tracks, the same thing. Going over that,
23 it still makes an impact.

24 And I think that from what we were doing, that
25 any impact, even foot tracks, are detrimental to the

1 environment. And everyone should tread lightly. And,
2 yeah, it's really bad.

3 So, I don't think it really matters --

4 COUNCIL MEMBER LEIMGRUBER: Could you repeat
5 the statement again for the benefit of the audience? We
6 can hear you just fine. But you just made a profound
7 statement. And for the benefit --

8 AUDIENCE: If she uses that microphone, we can
9 hear everybody. Use that one over there.

10 COUNCIL MEMBER LEIMGRUBER: Speak real close to
11 it. And repeat your last statement.

12 DANA SUNKIMAT: I was just saying that I think
13 that any impact is detrimental to the environment,
14 whether it's motorcycles or tanks or foot tracks. It's
15 all really, really bad. And we should all be really
16 careful with that, I think.

17 It doesn't really matter what they write in the
18 book. Because it's all a really bad, detrimental thing
19 to the environment. That's all I wanted to say. Thank
20 you.

21 COUNCIL MEMBER LEIMGRUBER: Thank you. Did
22 everyone in the audience hear that statement? Can I
23 have a show of hands in the back? Okay. That's all
24 I --

25 CHAIRPERSON ANDERSON: That's not hooked up.

1 The only microphones that are hooked up are the two in
2 the front.

3 JULIE COTTON: I will try to speak loudly.

4 CHAIRPERSON ANDERSON: Okay. Julie will be
5 followed by Karen Schambach.

6 JULIE COTTON: That's okay. The next person
7 will just have to put it back up.

8 I am with the SCA crew, also. And we do a lot
9 of footwork, of course, out there. And I wanted to
10 address Ms. Davis about her comment on backpacking. Of
11 course, everything leaves an impact.

12 But I would like to say that the people who are
13 backpacking do make an extreme effort to keep the land
14 clean. Personally, we don't even apple seed out there.
15 And we see most of the trash that's out there in
16 campfires being beer cans and toilet seats and wood that
17 was left out there from people who aren't car camping.
18 And that's where the major impact goes. If you are
19 backpacking, you don't want to carry a six pack of
20 Budweiser, trust me.

21 Compaction in the washes, we are out there
22 digging with Pickmatics. And I can assure you that
23 there is compaction in many of the washes where we see
24 several tracks. And that's just my personal experience.
25 I don't have any scientific evidence to give you. Just

1 the blisters on my hands.

2 We see turtles in the trails that we are
3 driving on that are BLM roads. We have seen four thus
4 far. If we hadn't have stopped and let them cross, we
5 would have run over them. If you are going at a quick
6 speed, you might not have seen them.

7 So I do want to tell people that it is
8 important to be careful out there. And even if you
9 haven't run across any yet -- I hope you don't.

10 I was disappointed yesterday to hear the many
11 problems with the research in the areas. And I would
12 like to commend the El Centro district for starting
13 early and getting research done before it's too late to
14 rescue the population. That's really important. I
15 studied a lot about biodiversity while I was in school.
16 And it's essential to start before it's too late.

17 Finally, I would like to say a little bit about
18 search and rescue. We were in El Centro. We saw
19 illegal aliens. And we saw a lot of border patrol. And
20 they are able to go anywhere they want. They have free
21 reign down there right now, which is disappointing when
22 we see them drive over our trails.

23 However, they do have the capability to do
24 search and rescue. When they are out there, they also
25 have people drop everything they are carrying in the

1 middle of the wilderness areas. So if you want to talk
2 about litter and you want to talk about tracks in the
3 wilderness, you might want to discuss it with that part
4 of the government, also. I think that's it. Thank you.

5 COUNCIL MEMBER MC QUISTON: Madam Chair, I was
6 going to request to do my comments at the end of the
7 public period. But I have got a civic event that I have
8 to be at at 6:30. So with your indulgence and with
9 those that are waiting -- on this matter of the
10 off-highway to ruin -- "Off Road to Ruin" report, there
11 are a couple of comments I would like to make.

12 And just right off the top -- and I will put on
13 my hat as local government here. I heard in the report
14 itself, and I heard in the response to the report, that
15 in some areas there is common ground.

16 Just as a matter of practicality, where there
17 is consensus, this group should move forward on that
18 consensus, period, and in whatever method we do, writing
19 letters, dealing with our local elected officials, or
20 whatever. Where we can agree, we should agree. And
21 then we should put together some action to reinforce
22 that.

23 I also want to say, just as a matter of
24 practicality, anywhere there is human activity, there is
25 going to be some amount of damage. The FLPMA

1 anticipated that, it provided for it, and even mandated
2 that a part of the plan is recreational use and for
3 public access for that.

4 The issue is a matter of degree. There simply
5 is going to be some damage simply because if there is
6 access, there is -- I would even go so far as to say
7 that even if we looked at who we typically classify as
8 the greatest stewards of the environment, the American
9 Indian, there was damage there.

10 I would submit they cut down trees, they dammed
11 rivers, they took each other as slaves, they killed
12 animals, and they didn't always bring out of the woods
13 what they took in. There is simply going to be some
14 disturbance.

15 And what is reasonable? And that's where
16 competing interests can disagree on that.

17 On the issue of law enforcement, at least from
18 Kern County's perspective, we are proactive. We just
19 submitted for some grants to get vehicles and apply law
20 enforcement. And the focus is: There does need to be
21 enforcement. We do a lot of education. We did it with
22 the jet skis in Lake Isabella. And we go out and do a
23 lot of education on that.

24 But I have to tell you, if we had not had the
25 dollars to be proactive in that effort, we would never

1 have supported curtailing access to the land, because of
2 that.

3 That's a shotgun solution to a .22 problem.
4 Regretfully, in government, because there is a few
5 people who are irresponsible, we make rules that affect
6 even the responsible to try to deal with the
7 unresponsible.

8 And in terms of law enforcement, the public
9 access to the public lands, these routes, it should not
10 be a determinant -- law enforcement staffing standards
11 should not be determinative. If the Highway Patrol
12 staffing standards go down, nobody in this room would
13 accept Interstate 15 being closed because we just don't
14 have enough police officers to patrol it. It's not an
15 option.

16 You know, public access to public lands should
17 not be driven by staffing levels. Because I can tell
18 you, from a county perspective, when we are talking
19 about law enforcement, you can't hire enough policemen
20 to eliminate crime. It simply isn't doable.

21 You could hire a lot of law enforcement people;
22 and there would still be infractions. I think the key
23 is learning how to do better with what we have got. I
24 heard some really interesting comments today about,
25 instead of a hundred dollar fine or a \$500 fine, there

1 is probably -- maybe you take a class. Maybe you go out
2 in the desert as a public service or community service
3 and remediate what somebody like you did that damaged
4 something.

5 I think there is probably other alternatives.
6 But I just wanted to touch on that law enforcement part
7 of it. I do appreciate everyone -- the comments that we
8 have heard. But I do think from a local government and
9 as a person who represents a large part of the
10 conservation area, that public access to lands is
11 important.

12 Certainly, we want to be good stewards.
13 Certainly, where there is infractions, we need to work
14 on the law enforcement. But I don't think limiting
15 activity is the best or highest way to do that. With
16 that -- if I talked any longer, I would be rambling.
17 And I have rambled long enough. Thank you very much.

18 CHAIRPERSON ANDERSON: You know, actually,
19 John, before you go, that talk just sort of inspired me
20 to, you know -- I think you are saying we do have common
21 ground here -- that I think the BLM should -- common
22 ground from everyone's perspective that the BLM should
23 pursue.

24 And I would actually like to make a motion
25 along those lines in support of the BLM's efforts to

1 address some of the problems that we saw out in the
2 areas that we took field tours, as well as other places,
3 through acquiring funding, and show the council's
4 support for those sort of actions.

5 COUNCIL MEMBER SMITH: I second the motion.

6 CHAIRPERSON ANDERSON: Discussion?

7 COUNCIL MEMBER REDDY: I guess we have changed
8 the rules. I would just like to suggest that in the
9 past when we went to public comment, we took public
10 comment.

11 And now we are degenerating into council
12 discussion and council motion. And I suggest that the
13 public has sat out here all day long, that we defer any
14 more discussion and let the public make their comments.

15 CHAIRPERSON ANDERSON: I think that's a
16 valid -- definitely a valid observation. I guess my
17 concern is that if the elected officials both leave, we
18 can't do any business.

19 COUNCIL MEMBER KEMPER: Just one word. I think
20 it's public comment. And I don't believe we will get
21 through that. Wally has informed me that he needs to
22 get out of here, as well.

23 CHAIRPERSON ANDERSON: We can still take public
24 comment, we just can't make any motions, is the way that
25 I understand how this works.

1 COUNCIL MEMBER SMITH: There has to be a
2 quorum. Why don't you call for the question?

3 CHAIRPERSON ANDERSON: Call for the motion.
4 Those in favor?

5 COUNCIL MEMBER DENNER: What about discussion
6 of the motion? Because I don't understand it. What
7 does the motion mean?

8 CHAIRPERSON ANDERSON: The motion -- my motion
9 is meant to show -- to support the BLM in continuing
10 their efforts to acquire funding to address problems
11 that we have seen on the ground and try to improve those
12 problems.

13 COUNCIL MEMBER DENNER: That's kind of
14 difficult. Because what might be a problem to you might
15 not be a problem to me. I don't see how you can make a
16 broad motion regarding problems unless you enumerate
17 what those problems are. So I don't know -- I can't
18 support that broad of a motion.

19 COUNCIL MEMBER KEMPER: Madam Chair, I have the
20 same concern, is that the motion is awfully broad. I
21 would like to support you in the motion; but I don't
22 know that -- I think that's awfully general in nature.

23 CHAIRPERSON ANDERSON: Okay. In light of the
24 public comment period, I don't want to waste any more
25 time with that. So I would like to withdraw the motion

1 then.

2 We will continue on with public comment. Karen

3 Schambach, followed by Stan Haye.

4 AUDIENCE: Karen is gone.

5 CHAIRPERSON ANDERSON: Stan Haye, followed by

6 Jeannie Haye.

7 COUNCIL MEMBER LEIMGRUBER: As the audience

8 comes to the podium, I do want to thank each and every

9 one for attending. Your public comments are

10 appreciated. Due to the distance of travel, it is

11 imperative that some of us leave. And these comments

12 will be noted, and we will get them to the respective

13 departments of the BLM. Thank you.

14 STAN HAYE: My name is Stan Haye. Am I close

15 enough to this thing?

16 My name is Stan Haye. And I -- I would first

17 like to thank Hector Villalobos and Steve Smith and all

18 the other BLM staff. I thought that was a great tour.

19 And you guys can see some of the problems.

20 Is that close enough? Now I hear it.

21 As I said, I would like to thank Steve Smith

22 and Hector Villalobos and all the BLM Ridgecrest staff

23 here for a great tour. And you people could see the

24 problems out on the ground.

25 I am very sorry that you had this discussion on

1 the Road to Ruin. I don't think that was an appropriate
2 subject for discussion. I think the discussion was
3 entirely because there are certain people on this
4 committee that don't like what it says. And maybe the
5 truth hurts.

6 And I would also like to sometime see a
7 discussion on the documents saying OHVs are good for the
8 land, and there ought to be a lot more of them out there
9 to help the environment. If there is such a document, I
10 certainly would like to see you people discuss it.
11 Thank you.

12 CHAIRPERSON ANDERSON: Jeannie Haye, followed
13 by Howard Wilshire.

14 JEANNIE HAYE: I am Jeannie Haye. And I think
15 we all love the desert, or we wouldn't still be here.
16 And I think that the changes that I have seen happen in
17 the desert are incremental. I know that from what I
18 observe and also from what biological and other
19 scientists tell me.

20 What worries me is, if things are incremental,
21 how are we going to know when we have gone one increment
22 too far? When does the desert stop being the desert
23 that we love and care about?

24 If the tortoises die out, do we still love the
25 desert? Probably a lot of people would. If the

1 creosote bushes die out, would that be the same? I
2 think that would start to be somewhat different.

3 I believe as far as human impact goes, if we
4 don't know where these final increments are, that we
5 have to err on the side of caution. I have been told
6 that I am cautious compared to the way a lot of people
7 look at things. But if we are not cautious and we
8 over-step, we can't go back.

9 I thank the BLM for the work they are doing to
10 help us figure out where over-stepping is and to obey
11 the laws to the best of their ability that intend to
12 help us know these things. And I thank the BLM for
13 being here and putting up with all they do. Thank you
14 very much.

15 CHAIRPERSON ANDERSON: Howard Wilshire.

16 AUDIENCE: Gone.

17 CHAIRPERSON ANDERSON: Mary Ann Henry. Mary
18 Ann Henry will be followed by Sophia Merk.

19 MARY ANN HENRY: I have lived on the upper
20 Mojave desert 54 years. I have been a member of the
21 Ridgecrest Resource Area Steering Committee for seven
22 years, representing the California Native Plant Society.
23 I defend the plants, the bottom of the food chain.

24 I am a volunteer staff member for the Sand
25 Canyon Environmental Education Program. And I

1 understand that somebody spoke for SCEEP yesterday.

2 I support the leadership of our resource area
3 manager, Hector Villalobos, and Tim Salt, district
4 manager. These managers of the arid lands are given a
5 rough time to do the job as decreed by our laws, agreed
6 to by all citizens of the United States.

7 They must also manage for sustained yield of
8 the biology of our lands. The OHV community was
9 publicly told during one of their noisy sessions in
10 Ridgecrest they lack the basic knowledge of science and
11 thus were not qualified to make decisions about land
12 management.

13 I support Hector, Tim, and BLM for their
14 current philosophy of land management on the desert. It
15 was not always in this way.

16 CHAIRPERSON ANDERSON: Sophia Merk, followed --
17 after Sophia, Mark Harms.

18 SOPHIA MERK: My name is Sophia Merk. Most
19 people call me Sam.

20 I just want to make a couple major points. The
21 moment a vehicle leaves the paved rode, it automatically
22 becomes an off-road vehicle. When I took my father out
23 a couple years ago, and -- he wanted to go out and see
24 the flowers. I took him in a Camry, which is not really
25 classified as an off-road vehicle.

1 He wanted to see the flowers just once more
2 before he died. I took him out there. We were an
3 off-road vehicle. There are handicapped people. There
4 are elderly people that have a hard time getting out to
5 the desert to see some of those areas.

6 We need to have a way to be able to do that.
7 These people love the area, also. I can walk. But some
8 of these people need help. Another person -- other
9 people that go out to the desert quite a bit are people
10 that have private lands.

11 And on the newest maps that are coming out
12 under NEMO and WEMO, the two-and-a-half-acre parcels are
13 not showing up on the WEMO plans. So some of those
14 roads that go to private property, people do not have --
15 the access roads are not being shown up. There is a
16 couple instances -- BLM is aware of it. But it's going
17 to take a little while to get up the food chain in
18 regards to that.

19 Yes, there are some parallel routes that need
20 to be taken off. And a lot of that comes back to
21 maintenance of roads. There is truly a lot of common
22 ground that can be done. But it goes back to
23 responsible monitoring. It goes back to responsible
24 caring for the government.

25 BLM is charged with a lot of things. They do

1 not have adequate funding to do a lot of the things that
2 they need to do. And the funding that they do get needs
3 to go into the area that is being used the most
4 extensively.

5 There has got to be a standardization of
6 methodology. And, yes, fines should be imposed where it
7 should be necessary for irresponsible off-road users.
8 However, I do like McQuiston's idea of using -- I am
9 scrambling on my notes -- remediation instead of fines.
10 I think that's a wonderful idea.

11 If a person has to go out and actually do
12 something about what they did irresponsibly, I think
13 that would be a good handle on things. I know I have
14 taken up my three minutes. Thank you for your time.

15 CHAIRPERSON ANDERSON: Mark Harms is followed
16 by David Matthews.

17 MARK HARMS: I am surprised at myself. I
18 didn't think I could be this quiet for this long.

19 With respect to the report on "Off Road to
20 Ruin," I guess it references about 16 areas that in best
21 case refer to road mileage reduced to immediate
22 closures. 13 of those 16 best-to-worst reference those
23 types of things, which means basically 83 percent of
24 what "Off Road to Ruin" has to do with is about closure
25 or reduction of use. And that will bring that 5 percent

1 that we have now down to even less than that.

2 One of the things seems to be going on is,
3 there seems to be a struggle here between social needs
4 and environmental needs. And it seems that there is no
5 value on this social need that we have. I mean, the
6 lemmings, you know, they rush down to the sea when they
7 get stressed out and kill themselves, because they get
8 confined in a certain area.

9 You know, if you look at the inner cities
10 today, these people in the inner cities don't have the
11 resources that many people in this room have to be able
12 to go out and recreate. So they go out and do things
13 that we don't agree with, quite often are violent. And,
14 unfortunately, we are seeing some of that stuff out in
15 the deserts right now.

16 The other thing that seems to be going on,
17 too -- I haven't heard anything about, you know,
18 economic issues here. This country is really about an
19 economy. In this state alone, there is approximately \$3
20 billion generated just in this off-road community.

21 If you think in terms of the motor homes, the
22 fuel, all of the things that go into off-road
23 recreation, that's huge in this state and this state
24 alone. And we are not talking about just this state in
25 this meeting.

1 But we are talking about a national problem
2 with respect to closures. And this country can't afford
3 that kind of down-turn in the economy. I have got a
4 business that relies on this industry. And these people
5 behind me, through whatever they methods they can -- and
6 quite often, it's misinformation and it's
7 disinformation.

8 I will give an example. And I witnessed this
9 on television. Mr. Patterson is here. I doubt that he
10 will deny this. I witnessed him refer to the milk vetch
11 in the sand dunes as possibly being the cure to cancer.

12 Well, with respect to this teeter-totter that
13 Mr. Bramham was talking about, on balance, I would
14 suggest that it might cause cancer. We have 70,000
15 acres available to us, according to Mr. Patterson. What
16 he doesn't tell you is that about 30 percent of that we
17 can't use with the types of tires we have; because they
18 are very expensive and they are easy to damage. And in
19 that 30 percent area, you would destroy them.

20 He also made reference that intervenors were in
21 agreement with this settlement. And they weren't.
22 Basically, they didn't have a choice. What we had to
23 look at, as far as a loss, was much greater than what we
24 did lose. And if they hadn't signed the thing, we would
25 have had a greater loss than we did.

1 So nobody was in favor of signing this thing.
2 We have offered and made gestures to Mr. Patterson to
3 come out to the dunes and help us with clean-ups. And
4 his choice was, he wanted to monitor the area to make
5 sure that they didn't have violations. In other words,
6 he wanted to be a police out there.

7 This is the problem with, you know, with what I
8 am hearing with respect to the inconsistencies, the --
9 with the "Off Road to Ruin," with closures, with issues
10 that we are talking about here, and there doesn't seem
11 to be a lot of truth in some of this. And,
12 unfortunately, the people that don't know the area
13 believe this stuff. They have nothing else to go by.

14 CHAIRPERSON ANDERSON: I am sorry to interrupt
15 your conversation. But I was just told that we need to
16 be out of this room by 6:30. I still have eight cards
17 left. And if you could keep your comments brief, so the
18 others will have an opportunity, I would appreciate it.

19 MARK HARMS: Sure. I have got two questions
20 basically, if I could, to Mr. Salt.

21 We made two formal requests to get into the
22 area to study the plan. And your office denied both
23 those requests. At the same time, two of your BLM
24 officers were in the closed area and got stuck in a
25 vehicle, and basically asked people, duners that were

1 outside the area, to come into the closure to take them
2 out.

3 I find this to be a little inconsistent with
4 your policy. And it just seems that -- there seems to
5 be on your part some issues with helping this side of
6 the room, as far as that particular area is concerned.

7 And with that, and as I have found out, is that
8 I am really curious why the BLM didn't challenge the
9 lawsuit and why they went straight to settlement. And
10 it is my understanding, because of the studies that you
11 have had and the knowledge that you have with respect to
12 this plant, that had you spoken to the judge and told
13 him that you didn't have any information to indicate
14 that that plant was being impacted in a negative
15 sense -- in fact, evidence just to prove the opposite --
16 that he would have bought with that, and we wouldn't
17 have had to have the closures we had.

18 Now, as far as a couple of issues and
19 solutions, you know, it seems that the recreational
20 groups are the ones that are funding, for the most part,
21 the BLM. When the Sacramento Bee study that was done,
22 or report that was done, that somebody referred to
23 earlier today, the environmentalists with their groups
24 collect approximately \$3 billion in fees or donations a
25 year.

1 That equates to approximately \$9.6 million a
2 day. If they were really serious about this issue and
3 BLM's ability to do their job correctly, they could fund
4 the balance of whatever the BLM needs without any kind
5 of problem at all.

6 And then the other thing that I have an idea
7 about with respect to the -- not so much the
8 environmental problems out there, but with respect to
9 law enforcement issues out there, is that not unlike ski
10 resorts where people basically lease land from the
11 federal government, if this land were available to be
12 leased to non-profit organizations, so that we could
13 basically police the area, that would eliminate an awful
14 lot of resources that are required by the BLM. So,
15 anyway, thank you.

16 CHAIRPERSON ANDERSON: Let me reiterate, we now
17 have four minutes, and eight people to speak. So please
18 keep your comments as brief as possible. 30 seconds.

19 DAVE MATTHEWS: My name is Dave Matthews. I
20 have two letters here, which I actually want to give to
21 the recorder or whoever to -- as -- entry into the
22 record. Both of these letters address two things that
23 happened yesterday on the field trip. For those of you
24 that were there, you may recall this. They both
25 happened at the same spot.

1 And the first letter is to Mr. Steve Smith.

2 And I gave him his copy a while ago. And it references

3 the field trip yesterday. And it says that at Stop No.

4 3, the Dove Springs Canyon, you stated that numerous

5 resources had been identified in the area.

6 However, you did not provide examples of those

7 resources, nor did I have an opportunity to ask a

8 question regarding this statement.

9 My question would be this: Is OHV recreation

10 one of the resources -- one of those resources? I

11 believe strongly that this and other human activity is

12 essentially -- are essential resources which are being

13 put aside too much in all of the federal land policy

14 recently.

15 That is why I choose to represent the general

16 public and my grandchildren in the BLM meetings that I

17 attend.

18 And the second letter is addressed to the --

19 the advisory council, and also a copy to Mr. Bob

20 Rudnick. It says, Dear Sirs and Madams, at the stop at

21 Dove Springs Canyon, Mr. Bob Rudnick made several

22 statements and read several items. These items he read

23 were, I presume, from the governing -- the laws

24 concerning recreation on federal lands. And then he

25 read a brochure promoting OHV use in those areas.

1 He then asked a show of hands of those who
2 thought that the language in the brochure was
3 appropriate? I wanted to answer the question, but I did
4 not have the opportunity; because the discussion was
5 derailed by those in charge of the field trip.

6 I would like to -- I would like to respond to
7 Mr. Rudnick's question by asking another question:
8 Namely, what language is appropriate, the language in
9 the brochure or the language in the law? It is my
10 contention that -- I'm sorry. Wait a minute.

11 CHAIRPERSON ANDERSON: Mr. Matthews, I am sorry
12 to say that Mr. Rudnick isn't here.

13 DAVE MATTHEWS: I know that.

14 CHAIRPERSON ANDERSON: He can't respond --

15 DAVE MATTHEWS: I am also addressing this to
16 your council.

17 It's a concern that I have.

18 CHAIRPERSON ANDERSON: Is there any way that
19 you could provide copies to the council?

20 DAVE MATTHEWS: Yes. I have a copy here for
21 the record.

22 CHAIRPERSON ANDERSON: Okay.

23 DAVE MATTHEWS: And essentially what I am
24 saying is that I am tired of Big Brother government
25 looking over my shoulder for my welfare. And I think

1 there are too many laws on the books today which are
2 both probably unconstitutional and unreasonable. And I
3 think that we need to -- the public needs to start
4 pushing back. Thank you.

5 CHAIRPERSON ANDERSON: I would like to take
6 those -- a copy of those letters and distribute them to
7 the -- great.

8 COUNCIL MEMBER KEMPER: Thank you, sir.

9 CHAIRPERSON ANDERSON: I will distribute those
10 to the council members. Norm Lenhart, followed by
11 Daniel Patterson.

12 Norm? Okay. Daniel Patterson, followed by
13 Helen Wagenvoord. And if you can please keep your
14 comments brief. I am trying to get everybody in. But
15 we need to get out of here.

16 DANIEL PATTERSON: I will keep them real brief.
17 Thanks, Ilene. I just wanted to give a little bit of
18 perspective on some things.

19 The first thing is just to dispel some myths,
20 especially about the dunes. Because I know a lot of you
21 guys here are into the dunes; because it's a beautiful
22 place. And that's why we are into it, too.

23 We don't have any more intentions of moving to
24 close the whole dunes or anything like that, which often
25 I get questioned about that. I want to just set the

1 record straight. And I want to acknowledge the hard
2 work of the ASA to encourage people to stay out of the
3 protected areas of the dunes.

4 And as long as the compliance is good, we think
5 we have a workable situation there that pretty much
6 balances the needs of other recreationists, endangered
7 species, and continues to allow OHV recreation. So
8 that's kind of how we see that situation there.

9 Other than that, I did have quite a bit of
10 extensive comments to make. But I did want to issue
11 just a quick challenge, I guess it is, as one of the
12 co-authors -- in some ways, I did write part of the "Off
13 Road to Ruin" report.

14 If you question the credibility, write your own
15 report. Come back with a rebuttal. And we would like
16 to see it. I think that's probably the best, most
17 responsible, most detailed way you could approach it. I
18 will wait to see it.

19 AUDIENCE: Would you like to fund it? I will
20 do it.

21 DANIEL PATTERSON: No. But I am certain that
22 you guys could find some funding.

23 CHAIRPERSON ANDERSON: Helen, followed by Tom
24 Tammone will follow.

25 HELEN WAGENVOORD: My name is Helen Wagenvoord.

1 And I have been a desert activist for about five years.
2 And I primarily work right now with organizing a
3 coalition of organizations that are fighting large-scale
4 threats to California desert protection, both from an
5 ORV standpoint as well as for recreational use.

6 Significant portions of the California desert
7 are protected by Congress, which recognized the desert
8 as one of the unique treasures of this country. And
9 they had the foresight to recognize the importance of
10 protecting it for future generations.

11 From listening to the exchange and looking
12 through some of the ORV periodicals, it said that the
13 ORV community is sensitive to being stereotyped as a
14 community of destructive -- and that the bad apples are
15 the exception and not the rule.

16 The "Off Road to Ruin" report seeks to bridge
17 the interests of environmental protection and
18 responsible ORV use. It is not an attack. It is an
19 outline of the problems followed by solutions. Should
20 they be implemented, it is a way to provide for a
21 sustainable and legal future for ORV use, thereby
22 protecting the integrity of ORV recreation while
23 protecting the natural beauty and the ecological health
24 of the California desert. Thank you.

25 CHAIRPERSON ANDERSON: Tom Tammone and then

1 Vicky Warren.

2 TOM TAMMONE: Okay. A couple of quick things.

3 First of all, I don't know how we got lumped in with

4 tanks all of a sudden. I don't know of any Green

5 Sticker tanks out there. Maybe I will own one someday,

6 but not now.

7 Anyway, as far as the compliance with the

8 wilderness areas, there is a big problem as far as

9 information. The only thing I found on the InterNet was

10 a 1994 map that had the big word "Draft" stamped across

11 it. So, basically, it doesn't have any effect.

12 People drive. It takes a lot of logistics to

13 get five or six people together. They go out to the

14 desert. And you know what? They get all the way out

15 there, and they find a "Closed" sign. Well, I will tell

16 you what. A lot of them are just going to go. I know I

17 wouldn't, but there are people that would. You need to

18 get more information out there about the areas that are

19 closed.

20 Okay. If you close an area, we don't seem to

21 have any plans to reopen them. As far as a strategy, as

22 far as having to have the closure, it seems once it's

23 closed, it's closed forever. I would like to see an end

24 to that.

25 As far as talking about increasing the bail

1 schedule, if you increase the fines, not one penny of
2 that goes to help the desert. It goes to the DOJ, the
3 Justice Department, general fund, black hole. That's
4 gone forever.

5 I think public service would be a much better
6 solution. A guy pays his fine. He says, what a bunch
7 of jerks. I hate these guys. And he is off and gone.

8 If he spends a few hours out there working and
9 disguising trails or, I don't know, illegal off-shoots,
10 and believe me, he will have a much better understanding
11 of what's going on out there.

12 And as far as my concern about the report, I
13 personally thought it was rather inflammatory, a lot of
14 unnecessary language. But, then again, heck, it got a
15 lot of us out here. So maybe it wasn't such a bad
16 thing.

17 But I would like to reference a letter from the
18 California State Legislature to Mike Pool, state
19 director, June 4, 2001. Basically, it concerns that the
20 agency isn't keeping up with its obligation to represent
21 the OHV community in this new -- this new plan of
22 operation that they are coming up with.

23 I would like to reiterate those thoughts. And
24 I will turn in a copy of this, just in case they don't
25 have it on record. I am done.

1 CHAIRPERSON ANDERSON: Vicky Warren, followed
2 by Marty Koppel.

3 VICKY WARREN: First, at the December meeting,
4 you are going to be out in El Centro. We can give you
5 all rides in the dunes. I know there has been some
6 interest. We can get the buggies together. Let's set
7 it up, so that everybody gets an idea of what we are
8 seeing.

9 Hopefully, the ugly signs will be down by then.
10 We will work real hard. If not, you get to see what
11 they look like.

12 I thought I should direct this to Tim Salt. It
13 says here the -- your national management plan that we
14 had this, here, that we have 14,000 comments come in
15 from the date of release until the date of the draft?
16 That would have equaled about 286 per day.

17 So I think it's interesting that everybody was
18 able to read all those comments and consider them. So
19 when we feel helpless, that we are not being listened
20 to -- who did you hire to read 286 comments a day? And
21 that's just an average.

22 And the last thing, when you are considering
23 the NEMO, WEMO, NECO plans, please keep in mind that we
24 only have 5 percent now. I would like to know what's
25 going to be left over when those are done. Thanks.

1 CHAIRPERSON ANDERSON: Marty Koppel.

2 MARTY KOPPEL: Who was the gentleman that asked
3 about the URTD? Let me get to it real quick.

4 When I was a kid, farmers didn't die of
5 starvation if they had a hard time. They died of
6 pneumonia instead of starvation. URTD is an upper
7 respiratory disease. It's a serious problem. But it's
8 also being used as a scare tactic.

9 One friend has five healthy, happy tortoises.
10 Three of them live happily with the URTD disease. If
11 they have the food and nutrition they need, and they
12 don't have the stress -- it's the stress and the lack of
13 food and water that turns it deadly.

14 If the URTD population in this preserve that I
15 envision was excluded to a special area of the preserve,
16 then maybe we could do some research on it and try and
17 find out how to -- how it really -- how it really
18 affects them, rather than just guessing at it, that this
19 is some deadly thing that is going to kill them.

20 Because the people that have these animals in
21 their back yard that have the URTD don't have a problem
22 with it at this point in time. Maybe when they get much
23 older, they will.

24 CHAIRPERSON ANDERSON: Thank you all for your
25 comments. Any other public comments?

1 Thank you all for coming. And I am going to
2 adjourn this meeting. No, I am not. That's right.
3 Sorry, there is a new step. I am anxious.

4 DISTRICT MANAGER SALT: We agreed at the end of
5 the meeting that we would summarize the action items.
6 This is the list that I have. And I am open to adding
7 to it if I overlooked something.

8 BLM will put together a letter to reconstruct
9 the October meeting and what was done with the
10 recommendations of council.

11 We talked about me providing feedback on
12 council actions. And that was later memorialized in a
13 resolution that we will have a written response to the
14 council as to how the recommendations were dealt with.
15 I think the resolution from the council still was that
16 we would do that through the minutes. We will do that
17 through the minutes; but I will also do it through a
18 memo from -- or a letter from me to council members.

19 There was discussion about making sure that
20 people were informed about energy-related initiatives.
21 And we can continue to do that through the area manager
22 reports. But I would propose, and I will get back
23 together with staff on that, that we do it in a more
24 formal way and maybe set up information on our web site
25 that any time you are interested in an energy-related

1 initiative, you can go to the web site and see what the
2 pending energy issues might be.

3 There was a question about the number of
4 species that have been recovered. And I will provide
5 that information shortly, before the next meeting,
6 relative to listing the recoveries and everything
7 nationwide.

8 There was a request to have all of the Fort
9 Irwin discussions and votes from previous advisory
10 council meetings re: Fort Irwin. And we will get the
11 information together.

12 There was a resolution that passed to extend
13 the comment period for NEMO and NECO to November 1st.

14 There was a decision made to defer the NEMO and
15 NECO discussion to the December 7th and 8th advisory
16 council meeting and to discuss instead at the September
17 advisory council meeting, which will be at Hot Springs,
18 the Coachella Plan, San Bernardino County relationships,
19 Fort Irwin expansion, and Cadiz. And that's what I
20 have.

21 COUNCIL MEMBER DENNER: Madam Chair, comment.

22 Did I hear you say anything about either
23 denying or confirming the situation regarding the
24 national OHV management strategy and how it went about?

25 DISTRICT MANAGER SALT: I said Molly and I

1 would prepare a letter that reconstructed the October
2 meeting and discussed what happened with that.

3 COUNCIL MEMBER DENNER: Sorry.

4 CHAIRPERSON ANDERSON: There has also been a
5 request to -- perhaps to incorporate some additional
6 information on tortoise. And perhaps that can be part
7 of or adjacent to the Fort Irwin discussion?

8 DISTRICT MANAGER SALT: There was notes passed
9 back and forth to that effect. I think that's a good
10 idea. I am never real comfortable interpreting the
11 scientific data. I think we might as well bring some
12 scientists in. And you can ask all the hard questions
13 you asked me, and I never have the answers.

14 CHAIRPERSON ANDERSON: Any other comments?
15 Then this meet something adjourned. Thank you.

16 (Two letters were requested to be attached to
17 the proceedings, and are attached following this
18 transcript.)

19 (The meeting was adjourned at 6:40 P.M.)

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CERTIFICATE

I, DIANA S. CRANE, C.S.R. 10030, in and
for the State of California, do hereby certify:

That the foregoing 381-page proceedings
were taken down by me in shorthand at the time and place
stated herein, and represent at true and correct
transcript of the proceedings.

I further certify that I am not interested
in the event of this action.

Witness my hand this _____ day of
_____, 2001.

Certified Shorthand
Reporter in and for the
State of California

